

Public Law 27-107

I MINA'BENTE SIETE NA LIHESLATURAN GUÁHAN 2004 (SECOND) Regular Session

Bill No. 376 (LS)

Introduced by: Committee on Appropriations and Budgeting, General
Governmental Operations, Reorganization and Reform

AN ACT MAKING APPROPRIATIONS FOR THE OPERATIONS OF THE EXECUTIVE, LEGISLATIVE, AND JUDICIAL BRANCHES OF THE GOVERNMENT OF GUAM FOR FISCAL YEAR ENDING SEPTEMBER 30, 2005, WHICH, TOGETHER WITH ANY OTHER GENERAL APPROPRIATIONS ACTS FOR FISCAL YEAR 2005 SHALL BE KNOWN AS THE "GENERAL APPROPRIATIONS ACT OF 2005".

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

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1 **Section 1. Short Title.** This Act together with any other general appropriations acts for Fiscal
2 Year 2005 shall be collectively known as the **“General Appropriations Act of 2005”**. Except as otherwise
3 provided by this Act, the appropriations made by this Act shall be available to pay for obligations incurred on
4 or after October 1, 2004, *but no later* than September 30, 2005. Administrative and miscellaneous provisions
5 directly governing other general appropriations acts for Fiscal Year 2005 shall also govern this Act unless
6 otherwise specified herein. In the event that any appropriation of this Act is found contrary to Federal law, all
7 portions not so found shall remain valid.

8 **Section 2. Appropriations for Fiscal Year 2005 to the University of Guam for**
9 **Scholarships and Training Programs.**

10 **(a) Student Scholarships, Financial Assistance Programs and Program Administration.** The
11 sum of Two Million Five Hundred Eleven Thousand Dollars **(\$2,511,000.00)** is hereby appropriated from the
12 General Fund to the University of Guam for Fiscal Year 2005, to be expended for the following student
13 scholarships, financial assistance programs and program administrations: Merit Awards, Student Loans,
14 Nurse Training Programs, Professional and Technical Awards, Reserve Officer Training Corps (“ROTC”),
15 Regent Scholarships, Marine Lab Graduates Assistance Programs, Early High School Admission Programs,
16 Pedro “Doc” Sanchez Scholarship Programs, John F. Quan Memorial Scholarship Program and
17 administration of all student financial assistance programs.

18 The University of Guam shall determine the allocation of this appropriation in order to fund the various
19 student scholarships, financial assistance programs and program administration.

20 **(b) Dr. Antonio C. Yamashita Educator Corps.** The sum of One Million Nine Hundred Fifteen
21 Thousand One Hundred Fifty Dollars **(\$1,915,150.00)** is hereby appropriated from the General Fund to the
22 University of Guam for Fiscal Year 2005, which shall disburse the funds pursuant to the directives and
23 policies of the Educator Corps Council, for stipends for the Dr. Antonio C. Yamashita Educator Corps and for
24 the administration of the Educator Corps Council, in accordance with the provisions of Public Law 24-231,
25 and §15107 of Title 17 of the Guam Code Annotated, as *amended*.

26 **(c) Carryover of Lapses.** Notwithstanding any other provision of law and in accordance with
27 the provisions set forth in this Section and Chapter, unexpended funds appropriated in prior fiscal years to the
28 programs under items (a) and (b) herein are available for the respective scholarship programs for Fiscal Year
29 2005.

30 **(d) Transfer Authorization from Dr. Antonio C. Yamashita Educator Corps.** The University
31 of Guam is authorized to transfer up to Five Hundred Thousand Dollars **(\$500,000.00)** of carryover funds from
32 the Dr. Antonio C. Yamashita Educator Corps to the University of Guam for its Fiscal Year 2005 faculty
33 positions; provided, *however*, that no benefits to recipients in the Dr. Antonio C. Yamashita Educator Corps
34 are to be diminished; and provided further that Seventy-five Thousand Dollars **(\$75,000.000)** of the
35 transferred amount shall be used for the Bachelor of Liberal Studies with Emphasis on Women and Gender
36 program.

1 **Section 3. Appropriations to the University of Guam.**

2 **(a) Appropriation for Aquaculture Development and Training Center.** The sum of One Hundred
3 Forty Thousand Dollars **(\$140,000.00)** is hereby appropriated from the General Fund to the University of
4 Guam (“UOG”) for the *sole* purpose of funding the continued operations of the Aquaculture Development and
5 Training Center. Such funds shall *not* be transferred or used for any other purpose.

6 **(b) Appropriation for WERI’s GHS.** The sum of Two Hundred Four Thousand Two Hundred
7 Dollars **(\$204,200.00)** is hereby appropriated from the General Fund to the University of Guam (“UOG”) to
8 fund the Water and Environmental Research Institute of the Western Pacific (“WERI”) for the *sole* purpose of
9 funding the Guam Hydrologic Survey (“GHS”). WERI shall continue to administer the GHS for the same
10 purposes that have previously been established by the laws of Guam. Such funds shall *not* be transferred or
11 used for any other purpose.

12 **(c) Appropriation for WERI’s Comprehensive Water Resource Monitoring Program.** The
13 sum of One Hundred Seventy-three Thousand Nine Hundred Forty-eight Dollars **(\$173,948.00)** is hereby
14 appropriated from the General Fund to the University of Guam (“UOG”) to fund the Water and Environmental
15 Research Institute of the Western Pacific (“WERI”). Such funds shall be used for the *sole* purpose of
16 matching the Federal funding for the Comprehensive Water Resource Monitoring Program. WERI shall
17 continue to administer the Comprehensive Water Resource Monitoring Program for the same purposes that
18 have previously been established by the laws of Guam. Such funds shall *not* be transferred or used for any
19 other purpose.

20 **(d) Appropriation to the University of Guam College of Agriculture and Liberal Sciences.**
21 The sum of One Hundred Thousand Dollars **(\$100,000.00)** is hereby appropriated from the General Fund to
22 the University of Guam College of Agriculture and Liberal Sciences, which shall be divided equally between
23 the Northern and Southern Soil and Water Conservation Districts Program.

24 **Section 4. Y Kuantan Salappe’ Prinsepat (Principal’s Fund).** The sum of Five Hundred
25 Fifty-five Thousand Dollars **(\$555,000.00)** is hereby appropriated from the General Fund to the Department of
26 Education for the Principal’s Fund of which Fifteen Thousand Dollars **(\$15,000.00)** is allocated to each school.

27 **Section 5. Appropriation to the Department of Administration for the Residential**
28 **Treatment Fund.** The sum of One Million Five Hundred Twenty-four Thousand Five Hundred Fifty-three
29 Dollars **(\$1,524,553.00)** is hereby appropriated from the General Fund to the Department of Administration
30 (“DOA”) to pay authorized expenses in Fiscal Year 2005 for persons under the jurisdiction of the Superior
31 Court of Guam for residential care arising from physical, mental or emotional disabilities, or from severe
32 emotional disturbances. All patients and escorts referred off-Guam shall submit to the Director of DOA
33 supporting documents to justify their authorized travel expenses.

1 **Section 6. Appropriation to Unified Judiciary.**

2 **(a)** The sum of Seven Hundred Thousand Dollars **(\$700,000.00)** is hereby appropriated from the
3 General Fund to the Unified Judiciary, for the *sole* purpose of addressing court-appointed attorney fees
4 related to the legal defense of indigent people. Such funds shall be deposited into the Appointed Counsel
5 Trust Fund account, as stipulated in 7 GCA §22111 and shall *not* be subject to any transfer authority.

6 **(b) Appropriation for Drug Courts.** The sum of Four Hundred Forty-two Thousand Four
7 Hundred Sixty Dollars **(\$442,460.00)** is hereby appropriated from the General Fund to the Unified Judiciary for
8 the purpose of funding the Drug Courts as follows:

9 (1) The sum of Two Hundred Twenty Thousand Eight Hundred Fifty-seven Dollars
10 **(\$220,857.00)** for operational costs associated with the Adult Drug Court.

11 (2) The sum of Two Hundred Twenty-one Thousand Six Hundred Three Dollars
12 **(\$221,603.00)** for operational costs associated with the Juvenile Drug Court.

13 **Section 7. Appropriation to I Liheslaturan Guåhan.** The sum of Six Million Nine Hundred
14 Thirty-seven Thousand Six Hundred Ten Dollars **(\$6,937,610.00)** is hereby appropriated from the General
15 Fund to *I Liheslaturan Guåhan* for its operations, including Personnel Services, for the period October 1,
16 2004, through September 30, 2005. The unexpended balance of sums appropriated to *I Liheslaturan Guåhan*
17 in Fiscal Year 2004 are available for use in Fiscal Year 2005.

18 **Section 8. Appropriation to Office of Finance and Budget.** There is hereby appropriated
19 from the General Fund to *I Liheslaturan Guåhan*, specifically for the Office of Finance and Budget (“OFB”),
20 the sum of Five Hundred Thirteen Thousand Three Hundred Thirty-four Dollars **(\$513,334.00)** for operations,
21 inclusive of Personnel Services, for the period October 1, 2004, through September 30, 2005. The
22 unexpended balance of sums appropriated to the Office of Finance and Budget in Fiscal Year 2004 shall be
23 available to OFB to use in Fiscal Year 2005.

24 **Section 9. Appropriation to Office of the Public Auditor.**

25 **(a)** The sum of Eight Hundred Sixty-eight Thousand One Hundred Thirty-two Dollars
26 **(\$868,132.00)** is hereby appropriated from the General Fund to the Office of the Public Auditor for its
27 operations, inclusive of its Personnel Services, for the period October 1, 2004, through September 30, 2005.

28 **(b)** Lapses in the Office of the Public Auditor Fiscal Year 2004 budget shall *not* revert back to the
29 General Fund, but shall be carried over into Fiscal Year 2005 and subject to further appropriation by *I*
30 *Liheslatura*.

31 **Section 10. Appropriations to Mayors Council of Guam.**

32 **(a)** The sum of Six Million Seven Hundred Fifty-six Thousand Three Hundred Ten Dollars
33 **(\$6,756,310.00)** is hereby appropriated from the General Fund to the Mayors Council for Personnel Services,
34 operations and utilities, for the period October 1, 2004, through September 30, 2005, and for *prior* year
35 obligations.

1 **(b)** Lapses in the Mayors Council Fiscal Year 2004 budget and the Municipal Fund shall *not*
2 revert back to the General Fund, but shall be carried over into Fiscal Year 2005 and subject to further
3 appropriation by *I Liheslatura*.

4 **Section 11. Guam State Clearinghouse Appropriation.** The sum of Three Hundred Twenty-
5 five Thousand Dollars **(\$325,000.00)** is hereby appropriated from the General Fund to the Guam State
6 Clearinghouse for Fiscal Year 2005.

7 **Section 12. Executive Appropriation.** The sum of Four Million Four Hundred Seventy-eight
8 Thousand Ninety Dollars **(\$4,478,090.00)** is hereby appropriated from the General Fund which shall be
9 allocated as follows:

10 **(a) Office of *I Maga'lahren Guåhan* Appropriation.** The sum of Two Million Seven Hundred
11 Fourteen Thousand Six Hundred Sixty-three Dollars **(\$2,714,663.00)** for the Office of *I Maga'lahren Guåhan*
12 for its operations, inclusive of Personnel Services, for the period October 1, 2004, through September 30,
13 2005.

14 **(b) Medical Referral Offices.** The sum of Six Hundred Thousand Dollars **(\$600,000.00)** for the
15 Medical Referral Offices and their operations located in Los Angeles, California; Hawaii; and the Philippines.

16 **(c) Office of *I Segundu Na Maga'lahren Guåhan*.** The sum of One Million One Hundred Sixty-
17 three Thousand Four Hundred Twenty-seven Dollars **(\$1,163,427.00)** for the Office of *I Segundu na*
18 *Maga'lahren Guåhan* for its operations, inclusive of Personnel Services, for the period October 1, 2004,
19 through September 30, 2005.

20 **(d) Carryover of Lapses.** The unexpended balance of the sums appropriated to the offices of *I*
21 *Maga'lahren Guåhan* and *I Segundu na Maga'lahren Guåhan* in Fiscal Year 2004 are available for use in Fiscal
22 Year 2005.

23 **Section 13. Appropriation to the Bureau of Budget and Management Research.** The sum of
24 One Million Two Hundred Twenty-three Thousand Seven Hundred Five Dollars **(\$1,223,705.00)** is hereby
25 appropriated from the General Fund to the Bureau of Budget and Management Research for its Fiscal Year
26 2005 operations, inclusive of its Personnel Services.

27 **Section 14. Appropriation to the Bureau of Statistics and Plans. (a)** The sum of Nine
28 Hundred Eighty-five Thousand Three Hundred Thirty-two Dollars **(\$985,332.00)** is hereby appropriated from
29 the General Fund to the Bureau of Statistics and Plans for its Fiscal Year 2005 operations, inclusive of
30 Personnel Services.

31 **(b)** The sum of Eighty-five Thousand Dollars **(\$85,000.00)** is hereby appropriated from the General
32 Fund to the Bureau of Statistics and Plans for the *specific* purpose of recruiting a Chief Economist and to fund
33 necessary related operations after recruitment.

34 **Section 15. Appropriation to the Department of Administration for the Government**
35 **Claims Fund.**

1 **(a)** The sum of Five Hundred Thousand Dollars **(\$500,000.00)** is hereby appropriated from the
2 General Fund to the Government Claims Fund under the Department of Administration for the payment of
3 eligible and approved Government Claims based on tort.

4 **(b)** The Director of the Department of Administration shall, *no later than* forty-five (45) days after
5 the close of each quarter of the fiscal year, submit to the Speaker of *I Liheslaturan Guåhan* a full disclosure of
6 all expenditures of said funds of this appropriation.

7 **Section 16. Appropriation to the University of Guam for KPRG (Public Radio).** The sum of
8 One Hundred Thousand Dollars **(\$100,000.00)** is hereby appropriated from the General Fund to the
9 University of Guam for KPRG (Public Radio) for Fiscal Year 2005 operations. This appropriation shall *not* be
10 used for *prior* years obligations.

11 **Section 17. General Fund Reversion.** All unexpended or unencumbered appropriations made
12 from the General Fund pursuant to this Act, *unless* otherwise provided for Fiscal Year 2005, shall *revert* to the
13 General Fund on the last day of that fiscal year.

14 **Section 18. Authorization for Matching Requirements for Federal Grants-In-Aid.**
15 Notwithstanding any other provision of law, departments are authorized to expend funds appropriated in this
16 Act for matching requirements of Federal grants.

17 **Section 19. I Maga'lahren Guåhan Transfer Authority.** Except as otherwise provided in this
18 Act, *I Maga'lahren Guåhan* is hereby authorized to transfer *not more than* fifteen percent (15%) of funds
19 appropriated to the Executive Branch by this Act within an agency, or between agencies of the Executive
20 Branch. *No* transfer shall occur from Operations into the Personnel Services category. This transfer authority
21 shall *not* be applicable to funds allocated to the Unified Judiciary of Guam, *I Liheslaturan Guåhan*, the
22 University of Guam, the Guam Community College, the Office of the Attorney General, the Office of the Public
23 Auditor, the Guam Police Department, Guam Memorial Hospital, Mayors Council, the Department of
24 Education and Federal funds.

25 *I Maga'lahren Guåhan* shall submit a report to the Speaker of *I Liheslaturan Guåhan* on the fifth (5th)
26 day of every month subsequent to the enactment of this Act on the application of the provisions contained
27 herein. Such report shall include detailed information on the source and amount of such transfers and the
28 agency receiving such funds.

29 **Section 20. Transfer Authority Amendment.** Section 5 of Chapter VII of the Public Law that
30 results from the overridden Bill 363 (LS) is hereby *amended* to read as follows:

31 **"I Maga'lahren Guåhan Transfer Authority.** Except as otherwise provided in this Act, *I*
32 *Maga'lahren Guåhan* is hereby authorized to transfer *not more than* fifteen percent (15%) of funds
33 appropriated to the Executive Branch by this Act within an agency, or between agencies of the
34 Executive Branch. *No* transfer shall occur from Operations into the Personnel Services category.
35 This transfer authority shall *not* be applicable to funds allocated to the Unified Judiciary of Guam, *I*
36 *Liheslaturan Guåhan*, the University of Guam, the Guam Community College, the Office of the

1 Attorney General, the Office of the Public Auditor, the Guam Police Department, Guam Memorial
2 Hospital, Mayors Council, the Department of Education and Federal funds.

3 *I Maga'lahaen Guåhan* shall submit a report to the Speaker of *I Liheslaturan Guåhan* on the
4 fifth (5th) day of every month subsequent to the enactment of this Act on the application of the
5 provisions contained herein. Such report shall include detailed information on the source and amount
6 of such transfers and the agency receiving such funds.”

7 **Section 21. Department of Education Analysis.** §3103(n) of Chapter 3, Division 2 of Title 17,
8 Guam Code Annotated as *amended* by the Public Law that results from the overridden Bill 363 (LS) on
9 September 30, 2004, to read as follows:

10 “§3103(n) prepare a feasibility/impact/cost savings analysis for the Guam Education Policy
11 Board recommending the potential privatization of existing services for the Department of Education.”

12 **Section 22. Severability.** *If* any provision of this Act or its application to any person or
13 circumstances is held invalid, the invalidity shall *not* affect other provisions or applications of this Act which
14 can be given effect without the invalid provision or application, and to this end the provisions of this Act are
15 severable.