



## Office of the Attorney General

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April 2, 2008

Ref: PCF 08-0210

**VIA HAND DELIVERY**

Senator Edward J. B. Calvo,  
Committee on Finance, Taxation, Commerce and  
Economic Development  
*I Mina Bente Nuebi Na Liheslaturan Guåhan*  
155 Hesler Place  
Hagåtña, Guam 96910

Re: Public 29-52; Your Letter of February 29, 2008

Dear Sen. Calvo:

*Buenas yan Håfa Adai!* Reference is made to your February 29, 2008, letter requesting a legal opinion regarding the transfer, by the Administration, of \$3.8 million from the Territorial Education Facilities Fund ("TEFF") to pay the court-imposed fines and costs associated with the closure of the Ordot landfill. You have also asked for an opinion regarding the transfer/use of \$7,634,247 which was appropriated in P.L. 29-52 to fund the needs of various other agencies; but that, according to Administration officials, the funds identified in the Public Law were not available to fund the mandates contained in that legislation.

### FACTUAL BACKGROUND

The money involved in the two inquiries arise from an appropriations act passed by *I Liheslaturan Guåhan* as Substitute Bill No. 180 (EC). *I Maga'låhen Guåhan* had vetoed the bill on January 2, 2008; however, that veto was overridden by *I Liheslaturan Guåhan* on January 3, 2008, and became Public Law 29-52.

The bill appropriated \$4,076,640 from the TEFF to the Guam Public School System ("GPSS") for school operations; \$73,360 to the GPSS for school operations; \$1,100,000 to the Guam Memorial Hospital Authority ("GMHA") to supplement its operations; \$1,082,458 to the Medically

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