

Public Law 27-106

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

Bill No. 363 (LS)

As amended in the Committee of the Whole.

Introduced by:

Committee on Appropriations and Budgeting, General
Governmental Operations, Reorganization and Reform

AN ACT MAKING APPROPRIATIONS FOR THE OPERATIONS OF THE EXECUTIVE AND JUDICIAL BRANCHES OF THE GOVERNMENT OF GUAM FOR FISCAL YEAR ENDING SEPTEMBER 30, 2005, AND MAKING OTHER APPROPRIATIONS, AND ESTABLISHING MISCELLANEOUS AND ADMINISTRATIVE PROVISIONS.

BE IT ENACTED BY THE PEOPLE OF GUAM:

TABLE OF CONTENTS

CHAPTER I.

GENERAL PROVISIONS.

Section	Title	Page
1	Short Title	9
2	Estimated Revenues for Fiscal Year 2005	9

CHAPTER II

GENERAL APPROPRIATIONS

Section	Title	Page
1	Government Appropriations for Fiscal Year 2005	14

CHAPTER III

GOVERNMENT OF GUAM GENERAL DEBT SERVICE

Section	Title	Page
1	Debt Service Continuing Appropriation	14

CHAPTER IV

GENERAL FUND MISCELLANEOUS APPROPRIATIONS

Section	Title	Page
1	The Fiscal Year 2005 General Fund appropriations contained in this Chapter are <i>not</i> to be construed as additional appropriations to the total set forth in Chapter II of this Act	16
2	Appropriation to the Department of Education for Summer School	16

1	3	Appropriation for Textbooks	16
2	4	Appropriation for Additional Textbooks	17
3	5	Department of Education Teacher Reclassification, Nurses Outstanding Compensation, and Increment Appropriations	18
6	6	Appropriations to the University of Guam	18
7	7	Appropriation to the Guam Community College	19
8	8	Appropriation to the Department of Public Health and Social Services for Public Assistance Program Payments	19
11	9	Appropriation to Medically Indigent Program and Medicaid Program	20
13	10	Department of Integrated Services for Individuals with Disabilities Court Injunction	21
15	11	Appropriation to Catastrophic Illness Program	21
16	12	Appropriation to Guam Police Department	21
17	13	Appropriation to the Department of Youth Affairs	22
18	14	Appropriation to the Worker's Compensation Fund	22
19	15	Appropriations for Supplemental Annuity Benefits and for Other Costs	23
21	16	Survivor Supplemental Annuity Additions	27
22	17	Disability Supplemental Annuity Additions	28
23	18	Retirees Supplemental Annuity Additions	29
24	19	Appropriation to Office of the Attorney General, Department of Law	30
26	20	Appropriation for Government of Guam Annual Single-Audit	31
28	21	Appropriation to Guam Election Commission	32
29	22	Guam Memorial Hospital Retirement Fund Contribution	32
30	23	Appropriation to the Department of <i>Chamorro</i> Affairs	32
31	24	Appropriation to Department of Administration for Training	32
33	25	Appropriation to the Department of Military Affairs for Office of Veterans Affairs	33
35	26	Appropriation to the Guam Developmental Disabilities Council	33

1	27	Appropriation to the <i>Chamorro</i> Land Trust Commission	33
2	28	Appropriation for Salary Increments.	33
3		CHAPTER V	
4		SPECIAL FUND MISCELLANEOUS APPROPRIATIONS	
5	Section	Title	Page
6	1	The Special Fund appropriations contained in this	
7		Chapter are <i>not</i> to be construed as additional	
8		appropriations to the total set forth in	
9		Chapter II of this Act	35
10	2	Appropriations to the Department of Education (DOE)	
11		for Non-Personnel Operating Expenses	35
12	3	Appropriation to the Guam Community College	
13		Apprenticeship Program	36
14	4	Appropriations to Supplement Guam Memorial	
15		Hospital Operations	36
16	5	Department of Public Health and Social Services	
17		Appropriations	37
18	6	Appropriation to the Department of Mental	
19		Health and Substance Abuse	37
20	7	Child Mental Health Initiative Program Grant Fund	38
21	8	Appropriation to Guam Fire Department	38
22	9	Appropriation to Department of Corrections	38
23	10	Appropriations to Department of Youth Affairs and	
24		Department of Mental Health and Substance Abuse	38
25	11	Appropriation to the Unified Judiciary for	
26		Erica's House of Hope	39
27	12	Appropriations to the Mayors Council of Guam	39
28	13	Appropriations to Guam Visitors Bureau	41
29	14	Appropriations to the Guam Environmental	
30		Protection Agency	44
31	15	Appropriation to the Department of Public Works	46
32	16	Appropriation to the Department of Public Works	
33		for <i>Ija</i> Subdivision	46
34	17	Appropriation from the Territorial Education	
35		Facilities Fund	47
36	18	Compensation for Land Taking	47

1	19	Appropriation to the Department of Revenue and	
2		Taxation	48
3	20	Plant Inspection and Permit Fund Appropriation	49
4	21	Foster Homes	49
5		CHAPTER VI	
6		MISCELLANEOUS PROVISIONS	
7	Section	Title	Page
8	1	Reinstatement of Salary Increments and Merit Bonuses	50
9	2	Above-step Recruitment and Reclassification	
10		Moratorium	51
11	3	Government of Guam Retirement Fund	
12		Rate of Contribution	52
13	4	Staffing Pattern and Expenditure Reporting	52
14	5	Revenue Tracking and Deficit Prevention Measures	53
15	6	Moratorium on Compensation for Boards and	
16		Commissions	54
17	7	Transfer of Employees	54
18	8	Preferred Hiring of Government Employees in	
19		Autonomous Agencies	56
20	9	Personnel Ceiling	57
21	10	Limited Term Appointment Moratorium	58
22	11	Restrictions on Executive Branch Hiring of Unclassified	
23		Employees	59
24	12	Prohibition on Personal Services Contracts	60
25	13	Retirement Option for Government of Guam Employees	
26		Upon the Complete Remittance of Individual	
27		Retirement Fund Contributions	61
28	14	Land Survey Revolving Fund	62
29	15	Village Streets Fund	62
30	16	Street Light Fund	62
31	17	Corrections Revolving Fund	63
32	18	School Lunch/SAE/Child Nutritional	
33		Meal Reimbursement Fund	64
34	19	Disposition of Excess Accrued Annual Leave	65
35	20	Attorney Salary Schedule	66
36	21	Guam Visitors Bureau	69

1	22	Public Recreation Services Fund	70
2	23	Plebiscite Date	71
3	24	Department of Education Privatization Analyses	72
4	25	Nurse Overtime	73
5	26	Garnishment of Income Tax Refunds for	
6		Tuition Default	74
7	27	Temporary or Detail Assignments	74
8	28	Acting Appointments	75
9	29	Time Limits on Acting Capacity	76
10	30	Acting Capacity	77
11	31	Autonomous Agency Expenditures reported to	
12		<i>I Liheslaturan Guåhan</i>	77
13	32	Holidays	78
14	33	Prohibition on Public Funds Expenditure for Casino	
15		Gambling Study	78
16	34	Enhanced Placement for Public Employees Displaced	
17		Due to Outsourcing	79
18	35	Provision for Union Leader Release Time	81
19	36	Extension of UCC Article 9 Implementation Date	82
20	37	Filing Fee for Annual Audit Report	83
21	38	Ancillary Benefit Account	83
22	39	Employees on Active Duty	83
23	40	Amendment to Allow Annual Single Audit	84
24	41	DOE Privatization Cafeteria Requirement	85
25	42	Dual Employment Prohibited	85
26	43	Transfer of DOE Employees	87
27	44	Garnishment of Income Tax Refunds for DOE	
28		Tuition Default	88
29		CHAPTER VII	
30		ADMINISTRATIVE PROVISIONS	
31	Section	Title	Page
32	1	Reversion to the General Fund, Tourist	
33		Attraction Fund, Healthy Futures Fund,	
34		and Safe Homes, Safe Streets Fund; Use of Lapses	89
35	2	Carryover of Local and Federal Matching Program	
36		Funds for Grants	90

1	3	Federal Reimbursements into General Fund/ Special Fund	90
2			
3	4	Authorization for Matching Requirements for Federal Grants-In-Aid	91
4			
5	5	<i>I Maga'laha</i> n Guåhan Transfer Authority	91
6	6	Transfer Authorization for Public Welfare Benefit Programs	91
7			
8	7	Department of Education Transfer Authority	92
9	8	Unified Judiciary of Guam Lapsed Funds Carryover	92
10	9	Exemption from BBMR Allotment Release Control	92
11	10	Compact Impact Funds	93
12	11	Severability	95

CHAPTER I.
GENERAL PROVISIONS.

Section 1. Short Title. This Act shall be known as the ***“General Appropriations Act of 2005”***. Except as otherwise provided by this Act, the appropriations made by this Act shall be available to pay for obligations incurred on or after October 1, 2004, *but no later* than September 30, 2005. In the event that any appropriation of this Act is found contrary to Federal law, all portions not so found shall remain valid.

Section 2. Estimated Revenues for Fiscal Year 2005. *I Liheslaturan Guåhan*, the Guam Legislature, adopts the following revenue estimate for Fiscal Year 2005, which shall be utilized for appropriations contained herein.

I. GENERAL FUND REVENUES

A. TAXES	AMOUNT
Income Tax	
Corporate	\$ 63,000,000.00
Individual	\$ 38,000,000.00
Withholding Taxes, Interest and Penalties	\$170,000,000.00
Provision for Tax Refund	(\$71,049,000.00)
Gross Receipts Tax	\$161,000,000.00
Prior Years Outstanding Tax Receivables	
Collections	\$31,000,000.00
B. FEDERAL SOURCES	
Federal Income Tax Collection (Section 30 Funds),	
Immigration Fees and Indirect Cost	\$ 44,000,000.00
Reconciliation, Section 30 Funds	\$6,000,000.00
C. DEPARTMENT CHARGES/FEES/USE OF	
MONEY & PROPERTY	\$2,490,000.00
D. OTHER TAXES	\$3,000,000.00
TOTAL GENERAL FUND REVENUE	\$447,441,000.00

II. SPECIAL FUND REVENUES

A. Street Light Fund (Abandoned Vehicle)	\$ 3,780,000.00
B. <i>Chamorro</i> Land Trust Fund	\$492,266.00
C. Customs, Agricultural and Quarantine Inspection	
Services Fund	\$9,558,779.00
D. Enhanced 911 Emergency Reporting System	
Fund	\$1,061,606.00
E. Guam Contractors License Board Fund	\$309,700.00
F. Guam Highway Fund	\$14,350,889.00

1	G.	Land Survey Revolving Fund	\$758,256.00
2	H.	Public Recreation Services Fund	\$124,739.00
3	I.	Police Services Fund	\$330,697.00
4	J.	Tourist Attraction Fund	\$23,017,731.00
5	K.	Professional Engineers, Architects and Land	
6		Surveyors Board Fund	\$193,958.00
7	L.	Solid Waste Fund	\$5,170,000.00
8	M.	Guam Education Facility Fund (TEFF)	\$18,041,524.00
9	N.	Healthy Futures Fund	\$10,564,400.00
10	O.	Safe Homes, Safe Streets Fund	\$1,596,854.00
11	P.	Village Streets Fund	\$500,000.00
12	Q.	Air Pollution Control Fund	\$250,000.00
13	R.	Guam Environmental Trust Fund	\$329,714.00
14	S.	Water Research & Development Fund	\$200,000.00
15	T.	Solid Waste Management Fund (GEPA)	\$45,000.00
16	U.	Water Protection Fund	\$75,000.00
17	V.	Environmental Health Fund	\$322,000.00
18	W.	Manpower Development Fund	\$39,614.00
19	X.	University of Guam Education Bond	
20		Payment Fund	\$2,036,000.00
21	Y.	Corrections Revolving Fund	\$ 1,713,443.00
22	Z.	School Lunch/SAE Fund/ Child Nutritional	
23		Meal Reimbursement Fund	\$5,500,000.00
24	AA.	Safe Streets Fund	\$100,000.00
25	BB.	Plant Inspection and Permit Fund	\$40,000.00
		TOTAL SPECIAL FUND REVENUE	\$100,502,170.00
26	III.	FEDERAL MATCHING GRANTS-IN-AID REVENUES	
27	A.	Agriculture	\$517,800.00
28	B.	Guam Council on the Arts and Humanities	\$243,701.00
29	C.	Guam Environmental Protection Agency	\$181,221.00
30	D.	Guam Police	\$332,370.00
31	E.	Guam Public Library	\$106,337.00
32	F.	Department of Integrated Services	
33		for Individuals with Disabilities	\$2,061,642.00
34	G.	Labor	\$33,500.00
35	H.	Law	\$3,255,035.00

1	I.	Military Affairs	\$568,092.00
2	J.	Department of Public Health	
3		and Social Services	\$20,134,029.00
4	K.	University of Guam	\$1,508,000.00
5		TOTAL FEDERAL MATCHING	
6		GRANTS-IN-AID REVENUE	\$28,941,727.00
7		REVENUE SUMMARY:	
8		TOTAL GENERAL FUND REVENUE	\$447,441,000.00
9		TOTAL SPECIAL FUND REVENUE	\$100,502,170.00
10		TOTAL FEDERAL MATCHING	
11		GRANTS-IN-AID REVENUE	\$28,941,727.00
12		GRAND TOTAL	\$576,884,897.00

1 **CHAPTER III.**

2 **GOVERNMENT OF GUAM GENERAL DEBT SERVICE.**

3 **Section 1. Debt Service Continuing Appropriation.** The following are continuing
4 appropriations for debt service requirements, some of which are *not* to be construed as additional
5 appropriations pursuant to this Act, as noted:

6 **A. GENERAL OBLIGATION BONDS, 1993**

7 **Series A** (Education Bond (TEFF); for education capital
8 projects; payment from Real Property Tax, UOG Bond
9 Payment Fund, P. L. 22-19 as supplemented by P. L. 22-24;
10 *not* to be construed as an additional appropriation pursuant
11 to this Act)

\$12,657,570.00

12 **B. GENERAL OBLIGATION BONDS, 1995**

13 **Series B** (tax refund, vendor payments; payment from the
14 TEFF and General Fund; P. L. 23-14)

\$17,998,425.00

15 **C. LIMITED OBLIGATION INFRASTRUCTURE**

16 **IMPROVEMENT BONDS, 1997 Series A** (Tumon
17 Redevelopment; payment from the Tourist Attraction Fund,
18 P. L. 24-111; *not* to be construed as an additional
19 appropriation pursuant to this Act)

\$7,315,970.00

1	D. LIMITED OBLIGATION HIGHWAY REFUNDING	
2	BONDS, 2001 Series A (payment from the Guam Highway	
3	Fund, P. L. 24-70; <i>not</i> to be construed as an additional	
4	appropriation pursuant to this Act)	\$6,027,981.00
5	E. LIMITED OBLIGATION (SECTION 30) BONDS,	
6	2001 Series A (Water System Revenue Bond; payment from	
7	Section 30 Funds)	\$9,824,393.00
8	F. 2002 SHORT TERM FINANCING	
9	(payment from the General Fund, P. L. 26-84)	\$1,281,818.00
10	DEBT SERVICE GRAND TOTAL	\$55,106,157.00

1 **Section 5. Department of Education Teacher Reclassification, Nurses Outstanding**
2 **Compensation, and Increment Appropriations.**

3 **(a)** The sum of One Million Six Hundred Thousand Dollars **(\$1,600,000.00)** is hereby
4 appropriated from the General Fund to the Department of Education to fund the teacher reclassification
5 requirement. -These monies shall be limited *strictly* for the purposes stated herein and *not* subject to transfer.

6 **(b)** The sum of One Million Four Hundred Thousand Dollars **(\$1,400,000.00)** is hereby
7 appropriated from the General Fund to the Department of Education for the school health counselors
8 outstanding compensation, as mandated through Public Law 24-325. These monies shall be limited for the
9 purposes stated herein and *not* subject to transfer.

10 **(c)** The sum of One Million Forty-six Thousand One Hundred Seventy-seven Dollars **(\$1,046,177.00)**
11 is hereby appropriated from the General Fund to the Department of Education to fund a one-step salary
12 increment for eligible employees funded by the General Fund for Fiscal Year 2005.

13 **Section 6. Appropriations to the University of Guam.**

14 **(a) Appropriation.** The sum of Twenty-seven Million Eight Thousand Dollars **(\$27,008,000.00)**
15 is hereby appropriated to the University of Guam (“UOG”) for its Fiscal Year 2005 operations, inclusive of its
16 Personnel Services. This sum is composed of Twenty-five Million Five Hundred Thousand Dollars
17 **(\$25,500,000.00)** from the General Fund and One Million Five Hundred Eight Thousand Dollars
18 **(\$1,508,000.00)** from Federal Matching Grants-In-Aid.

19 **(b)** UOG Fiscal Year 2004 lapsed funds shall *not* revert to the General Fund, but shall be
20 identified and reported to the Speaker of *I Liheslaturan Guåhan* within forty-five (45) days of the close of
21 Fiscal Year 2004, identifying the source and amount of the lapse. Use of these lapses shall be subject to
22 further appropriation by *I Liheslatura*.

23 **Section 7. Appropriation to the Guam Community College.**

24 **(a)** The sum of Twelve Million Eight Hundred Twenty-six Thousand Six Hundred Sixty-nine
25 Dollars **(\$12,826,669.00)** is hereby appropriated from the General Fund to the Guam Community College
26 (“GCC”) for its operations, inclusive of its Personnel Services, for the period October 1, 2004, through
27 September 30, 2005.

28 **(b)** GCC Fiscal Year 2004 lapsed funds shall *not* revert to the General Fund, but shall be
29 identified and reported to the Speaker of *I Liheslaturan Guåhan* within forty-five (45) days of the close of
30 Fiscal Year 2004, identifying the source and amount of the lapse. Use of these lapses shall be subject to
31 further appropriation by *I Liheslatura*.

32 **Section 8. Appropriation to the Department of Public Health and Social Services for**
33 **Public Assistance Program Payments.**

34 **(a)** The sum of Five Million Five Hundred Forty-six Thousand Two Hundred Ninety-three Dollars
35 **(\$5,546,293.00)** is hereby appropriated from the General Fund to the Department of Public Health and Social
36 Services for Public Assistance Program payments for Fiscal Year 2005.

1 **(b)** The unexpended balance of the appropriation from the General Fund to the Department of
2 Public Health and Social Services for Public Assistance Programs for Fiscal Year 2004 shall *not* revert back
3 to the General Fund, but shall be carried over into Fiscal Year 2005 to be expended in accordance with the
4 original purpose of said funds.

5 **Section 9. Appropriation to Medically Indigent Program and Medicaid Program.**

6 **(a)** The sum of Sixteen Million One Hundred Thousand Dollars **(\$16,100,000.00)** is hereby
7 appropriated from the General Fund to the Medically Indigent Program Payment Revolving Fund (“MIPPR”)
8 for the Medically Indigent Program (“MIP”) and Medicaid Program for Fiscal Year 2005.

9 **(b)** The sum of Four Million Dollars **(\$4,000,000.00)** is hereby appropriated from the General
10 Fund to the Department of Public Health and Social Services (“DPHSS”) to be administered by the Medically
11 Indigent Program and Medicaid Program for medical services provided by the Guam Memorial Hospital
12 (“GMH”). GMH may invoice DPHSS for uninsured residents for those services or billings which have gone
13 through in-house and all other GMH-endorsed collections processes and have been transferred to the
14 category of or officially deemed “bad debt.” Invoices shall be pursuant to the MIP benefits and cost
15 reimbursement schedule. DPHSS shall be entitled to two percent (2%) of the Four Million Dollars
16 **(\$4,000,000.00)** appropriated herein for administration costs for processing according to this Section.
17 Subsequent collections of any “bad debt” paid for by this appropriation shall be reimbursed by Guam
18 Memorial Hospital to the Medically Indigent Program at the DPHSS.

19 The Director of DPHSS shall provide a quarterly financial report to the Speaker of *I Liheslaturan*
20 *Guåhan* of the allocation and expenditures associated with the appropriations contained herein.

21 **(c)** The unexpended balance of the appropriation from the General Fund to the Department of
22 Public Health and Social Services for MIP and Medicaid Programs for Fiscal Year 2004 shall *not* revert back
23 to the General Fund, but shall be carried over into Fiscal Year 2005 to be expended in accordance with the
24 original purpose of said funds.

25 **Section 10. Department of Integrated Services for Individuals with Disabilities Court**
26 **Injunction.** *I Maga’lahi* shall use his transfer authority to comply with the injunction outlined in Civil Case
27 CIV01-00041 for the purpose of meeting the United States District Court’s mandated permanent injunction.

28 **Section 11. Appropriation to Catastrophic Illness Program.** The sum of Five Hundred
29 Thousand Dollars **(\$500,000.00)** is hereby appropriated from the General Fund to the Department of Public
30 Health and Social Services for the *sole* purpose of funding the Catastrophic Illness Program for Fiscal Year
31 2005. The funds appropriated herein shall *not* be subject to *I Maga’lahen Guåhan’s* transfer authority. All
32 unexpended funds appropriated in Fiscal Year 2004 for the Catastrophic Illness Program shall be carried over
33 into Fiscal Year 2005 to be expended in accordance with the original purpose of said funds until fully
34 expended.

1 **Section 12. Appropriation to Guam Police Department.** The sum of Two Million One
2 Hundred Seven Thousand Five Hundred Seventy Dollars **(\$2,107,570.00)** is hereby appropriated from the
3 General Fund to the Guam Police Department to be used for the following:

4 **(a)** One Million Three Hundred Thousand Dollars **(\$1,300,000.00)** for the personnel costs
5 associated with the recruitment and hiring of sixty-eight (68) police recruits.

6 **(b)** Four Hundred Thousand Dollars **(\$400,000.00)** for the purchase of equipment and training
7 costs for recruits.

8 **(c)** Four Hundred Seven Thousand Five Hundred Seventy Dollars **(\$407,570.00)** for the
9 purchase of equipment and vehicles.

10 **Section 13. Appropriation to the Department of Youth Affairs.**

11 **(a)** The sum of Two Hundred Forty-one Thousand Nine Hundred Forty-four Dollars **(\$241,944.00)**
12 is hereby appropriated from the General Fund to the Department of Youth Affairs (“DYA”) for the (Sanctuary,
13 Inc.) Youth Residential Program for Fiscal Year 2005.

14 **(b)** DYA shall submit a report of the expenditures of the funds of this appropriation to *I Maga'lahren*
15 *Guåhan* and *I Liheslaturan Guåhan*, within sixty (60) days following the end of the fiscal year covered herein.

16 **Section 14. Appropriation to the Worker’s Compensation Fund.**

17 **(a)** The sum of One Million Dollars **(\$1,000,000.00)** is hereby appropriated from the General
18 Fund to the Department of Labor for the Worker’s Compensation Fund. The funds appropriated in this Section
19 shall be utilized for worker’s compensation payments for the purposes set out in §9144 of Title 22 of the
20 Guam Code Annotated, to pay worker’s compensation for claims by employees of the government of Guam,
21 including outstanding prior years’ obligations and future obligations associated with the provisions of this
22 Section.

23 **(b)** Notwithstanding any other provision of law, the appropriation made in this Section may be
24 used to pay for medical, surgical, and other services or treatment; nurses; hospital services; medical travel
25 and/or per diem; medicine; crutches; and apparatus required by the claimant for such period as the nature of
26 the injury, or the process of recovery, may require.

27 **(c)** Notwithstanding any other provision of law, the appropriation made in this Section shall *not*
28 be expended for disability compensation benefits payments.

29 **(d)** Notwithstanding any other provision of law, the Director of Labor is authorized to spend *up to*
30 Forty Thousand Dollars **(\$40,000.00)** for Fiscal Year 2005 to pay for the services of a Worker’s Compensation
31 hearing consultant, attorney or firm from the appropriation to the Worker’s Compensation Fund for Fiscal Year
32 2005.

33 **Section 15. Appropriations for Supplemental Annuity Benefits and for Other Costs.**

34 **(a)** The sum of Thirteen Million Four Hundred Thirty-seven Thousand Dollars **(\$13,437,000.00)** is
35 hereby appropriated from the General Fund to the Supplemental Annuity Benefits Special Fund for the period
36 of October 1, 2004, to September 30, 2005, for direct payment to those employees who retired *prior* to

1 October 1, 1995, or their survivors, for the continuing provisions of Four Thousand Two Hundred Thirty-eight
2 Dollars **(\$4,238.00)** for supplemental annuity benefits, consisting of the sum of One Thousand Two Hundred
3 Dollars **(\$1,200.00)**, One Thousand Five Hundred Dollars **(\$1,500.00)**, Seven Hundred Dollars **(\$700.00)**, and
4 Eight Hundred Thirty-eight Dollars **(\$838.00)** in annual benefits formerly contained in various General
5 Appropriation Acts.

6 **(b)** No persons eligible for Retiree Supplemental Annuity Benefits provided for in Subsection (a)
7 of this Section shall receive such benefit if their regular annual retirement annuity, *excluding* survivor benefits,
8 *prior* to the supplemental amounts herein is more than Forty Thousand Dollars **(\$40,000.00)**. Persons eligible
9 for Retiree Supplemental Annuity Benefits shall *only* receive an amount of such benefits up to the total
10 aggregate sum of Forty Thousand Dollars **(\$40,000.00)** in combined retirement annuities and supplemental
11 retirement annuities and *not more*.

12 **(c)** The Department of Administration shall be the responsible entity to disburse to the retirees or
13 their survivors the supplemental annuities pursuant to Subsection (a) of this Section. The Government of
14 Guam Retirement Fund shall provide the necessary information for disbursement to the retirees or their
15 survivors to the Department of Administration.

16 **(d)** Fiscal Year 2004 appropriations to the Supplemental Annuity Benefits Special Funds shall
17 *not* revert to the General Fund. The Department of Administration is hereby authorized to use Fiscal Year
18 2004 supplemental annuities lapsed funds in Fiscal Year 2005 and until fully expended for the *sole* purpose of
19 paying Fiscal Year 2004 supplemental annuities obligations.

20 **(e)** Deposits made to the Supplemental Annuity Benefits Special Fund ("Fund") shall *not* be
21 commingled with the General Fund and shall continue to be kept in a separate bank account which shall
22 continue to be administered by the Director of the Department of Administration. This Fund shall *not* be
23 subject to *I Maga'lahaen Guåhan's* transfer authority.

24 **(f)** For October 1, 2004, to September 30, 2005, of Fiscal Year 2005, the Guam Power
25 Authority, the Guam Telephone Authority, the A. B. Won Pat International Airport Authority Guam, the Guam
26 Economic Development and Commerce Authority, the Guam Housing Corporation, the Government of Guam
27 Retirement Fund, the Jose D. Leon Guerrero Commercial Port, the Guam Waterworks Authority and the
28 Guam Visitors Bureau shall remit to the Department of Administration an amount equal to the number of
29 eligible employees which are retired from each entity multiplied by the amounts listed in Subsection (a) of this
30 Section. The remittance shall be due on or before October 10, 2004, and April 15, 2005, respectively. Once
31 remitted, this amount shall *not* be subject to *I Maga'lahi's* transfer authority.

32 **(g)** The sum of Six Million Nine Hundred Fifty-two Thousand Four Hundred Twenty Dollars
33 **(\$6,952,420.00)** is hereby appropriated from the General Fund to the Government of Guam Retirement Fund
34 for the payment of benefits of current retirees from October 1, 2004, to September 30, 2005, consisting of the
35 continuing provisions of Items (1) through (2), below:

- 1 (1) Retiree group health, dental and life insurance premiums (to continue existing
2 programs currently contained in the semi-monthly payments); and
3 (2) Retiree life insurance subsidy (to continue existing programs currently contained in
4 the semi-monthly payments).

5 (h) For October 1, 2004, to September 30, 2005, of Fiscal Year 2005, the Guam Power Authority,
6 the Guam Telephone Authority, the A. B. Won Pat International Airport Authority Guam, the Guam Economic
7 Development and Commerce Authority, the Guam Housing Corporation, the Government of Guam
8 Retirement Fund, the Jose D. Leon Guerrero Commercial Port, the Guam Waterworks Authority and the
9 Guam Visitors Bureau shall remit to the Government of Guam Retirement Fund the respective share of
10 payments for medical, dental, and life insurance payments for their respective retirees. The remittance shall
11 be due in equal installments on or before October 10, 2004, and on or before April 1, 2005, respectively.

12 The autonomous agencies' share of payments for medical, dental, and life insurance authorized
13 herein are *ex gratia* payments and are for Fiscal Year 2005 *only*. Any future medical, dental, and life
14 insurance payments may be addressed by future legislation.

15 (i) For October 1, 2004, through September 30, 2005, of Fiscal Year 2005, the sum of Ninety-
16 three Thousand Thirty-eight Dollars (**\$93,038.00**) is hereby appropriated from the General Fund to the
17 Government of Guam Retirement Fund to defray the cost of Medicare premiums for Government of Guam
18 Retirees and their survivors who are eligible to receive social security income benefits and are required under
19 the government of Guam group health insurance program to pay such premiums to continue to participate in
20 such health insurance program failing which they are excluded therefrom (to continue existing programs
21 contained in the monthly payments).

22 (j) For October 1, 2003, through September 30, 2004, of Fiscal Year 2004, the sum of
23 Seventeen Thousand Sixty-eight Dollars (**\$17,068.00**) is hereby appropriated from the General Fund to the
24 Government of Guam Retirement Fund to defray the cost of Medicare premiums for Government of Guam
25 Retirees and their survivors who are eligible to receive social security income benefits and are required under
26 the government of Guam group health insurance program to pay such premiums to continue to participate in
27 such health insurance program failing which they are excluded therefrom (to continue existing programs
28 contained in the monthly payments).

29 (k) For October 1, 2004, to September 30, 2005, of Fiscal Year 2005, the sum of One Hundred
30 Two Thousand Five Hundred Dollars (**\$102,500.00**) is hereby appropriated from the General Fund to the
31 Government of Guam Retirement Fund for *I Maga'lahi* and *I Segundu na Maga'lahi/I Segundu na Maga'haga*
32 Pensions.

33 (l) Effective October 1, 2004, the retirement annuities for the Guam Superior Court Judges and
34 Guam Supreme Court Justices shall be administered by the Government of Guam Retirement Fund. For
35 October 1, 2004, to September 30, 2005, the sum of Five Hundred Three Thousand Three Hundred Twenty-

1 four Dollars **(\$503,324.00)** is hereby appropriated from the General Fund to the Government of Guam
2 Retirement Fund for retirement annuities of Guam Superior Court Judges and Guam Supreme Court Justices.

3 **(m)** The Board of Trustees shall promulgate, continue and amend, *if necessary*, administrative
4 procedures to ensure the proper submission, receipt and accounting of all sums remitted in conformance with
5 Subsections (f) and (h) of this Section.

6 **Section 16. Survivor Supplemental Annuity Additions.** Item (6) of Subsection (d) of 4 GCA
7 §8135, is *repealed* and *reenacted* to read as follows:

8 “(6) the prospective payment of supplemental benefits for the period October 1, 2004,
9 through September 30, 2005, for survivors of those employees who retired *prior* to October 1, 1995,
10 to be paid in the following manner:

11 (i) Four Thousand Two Hundred Thirty-eight Dollars **(\$4,238.00.00)** in Retiree
12 Supplemental Annuity Benefits, known as the sum of One Thousand Two Hundred
13 Dollars **(\$1,200.00)**, One Thousand Five Hundred Dollars **(\$1,500.00)**, Seven Hundred
14 Dollars **(\$700.00)**, and Eight Hundred Thirty-eight Dollars **(\$838.00)** in *annual* benefits
15 formerly contained in various General Appropriation Acts.

16 (ii) *No* persons eligible for Retiree Supplemental Annuity Benefits provided for in
17 Paragraph (6) of this Section shall receive such benefit *if* their regular annual retirement
18 annuity *prior* to the supplemental amounts herein is more than Forty Thousand Dollars
19 **(\$40,000.00)**. Persons eligible for Retiree Supplemental Annuity Benefits shall *only*
20 receive an amount of such benefits up to the total aggregate sum of Forty Thousand
21 Dollars **(\$40,000.00)** in combined retirement annuities and supplemental retirement
22 annuities and *not more*.”

23 **Section 17. Disability Supplemental Annuity Additions.** Subsection (g) of 4 GCA §8129, is
24 *repealed* and *reenacted* to read as follows:

25 “(g) Any disability retirement annuitant who commenced receiving a disability retirement
26 annuity *prior* to October 1, 1995, and who is entitled to disability retirement benefits under this
27 Chapter shall receive, during the period commencing on October 1, 2004, and ending on September
28 30, 2005, prospective non-cumulative supplemental annuity benefits as follows:

29 (1) Four Thousand Two Hundred Thirty-eight Dollars **(\$4,238.00)** in Retiree
30 Supplemental Annuity Benefits, known as the sum of One Thousand Two Hundred
31 Dollars **(\$1,200.00)**, One Thousand Five Hundred Dollars **(\$1,500.00)**, Seven
32 Hundred Dollars **(\$700.00)**, and Eight Hundred Thirty-eight Dollars **(\$838.00)** in
33 *annual* benefits formerly contained in various General Appropriation Acts.

34 (2) *No* persons eligible for Retiree Supplemental Annuity Benefits provided for in
35 Paragraph (g) of this Section shall receive such benefit *if* their regular annual
36 retirement annuity, *excluding* survivor benefits, *prior* to the supplemental amounts

1 herein is more than Forty Thousand Dollars **(\$40,000.00)**. Persons eligible for
2 Retiree Supplemental Annuity Benefits shall *only* receive an amount of such benefits
3 up to the total aggregate sum of Forty Thousand Dollars **(\$40,000.00)** in combined
4 retirement annuities and supplemental retirement annuities and *not more*.”

5 **Section 18. Retirees Supplemental Annuity Additions.** Item (6) of 4 GCA §8122(d), is
6 *repealed and reenacted* to read as follows:

7 “(6) Any retirement annuitant who commenced receiving a retirement annuity *prior* to
8 October 1, 1995, and who is entitled to retirement benefits under this Chapter, shall receive, during
9 the period commencing on October 1, 2004, and ending on September 30, 2005, prospective, non-
10 cumulative supplemental annuity benefits as follows:

11 (i) Four Thousand Two Hundred Thirty-eight Dollars **(\$4,238.00)** in Retiree
12 Supplemental Annuity Benefits, known as the sum of One Thousand Two Hundred Dollars
13 **(\$1,200.00)**, One Thousand Five Hundred Dollars **(\$1,500.00)**, Seven Hundred Dollars
14 **(\$700.00)**, and Eight Hundred Thirty-eight Dollars **(\$838.00)** in *annual* benefits formerly
15 contained in various General Appropriation Acts.

16 (ii) No persons eligible for Retiree Supplemental Annuity Benefits provided for
17 in Paragraph (6) of this Section shall receive such benefit *if* their regular annual retirement
18 annuity *prior* to the supplemental amounts herein, but *excluding* survivor benefits, is more
19 than Forty Thousand Dollars **(\$40,000.00)**. Persons eligible for Retiree Supplemental
20 Annuity Benefits shall *only* receive an amount of such benefits up to the total aggregate sum
21 of Forty Thousand Dollars **(\$40,000.00)** in combined retirement annuities and supplemental
22 retirement annuities and *not more*.”

23 **Section 19. Appropriation to Office of the Attorney General, Department of Law.**

24 **(a)** The sum of Eight Million Six Hundred Seventy-eight Thousand Two Hundred Fifty-seven
25 Dollars **(\$8,678,257.00)** is hereby appropriated to the Office of the Attorney General, Department of Law, for
26 its operations, inclusive of its Personnel Services, for the period October 1, 2004, through September 30,
27 2005. This sum is comprised of Five Million Four Hundred Twenty-three Thousand Two Hundred Twenty-two
28 Dollars **(\$5,423,222.00)** from the General Fund and Three Million Two Hundred Fifty-five Thousand Thirty-five
29 Dollars **(\$3,255,035.00)** from Federal Matching Grants-in-Aid.

30 **(b)** Lapses in the Office of the Attorney General Fiscal Year 2004 budget shall *not* revert back to
31 the General Fund, but shall be carried over into Fiscal Year 2005, and shall be applied *solely* for its
32 operations or rental space.

33 **(c)** The Attorney General shall submit a report to the oversight chairperson of *I Liheslatura* on the
34 financial requirements, proposed scope of work, and potential outcome of pursuing an investigation, and
35 requesting from the Department of Transportation of the United States Government Enhanced Air Services
36 for Guam, or such other designation or exemption from Federal laws or regulation, so as to provide

1 comprehensively more competitive air services in and to Guam, including, but *not limited to*, designating
2 Guam as an Open Aviation Area, a lifting of restrictions on foreign air carriers carrying cargo into and through
3 Guam, a lifting of all cabotage restriction for passengers originating on Guam or transitting through Guam and
4 a lifting of restriction on foreign ownership of air carriers based on Guam.

5 **Section 20. Appropriation for Government of Guam Annual Single-Audit.** The sum of
6 Three Hundred Thousand Dollars **(\$300,000.00)** is hereby appropriated from the General Fund to the
7 Department of Administration for the *sole* purpose of outsourcing the Government of Guam annual single
8 financial audit for Fiscal Year 2004. The Office of the Public Auditor shall be responsible for the
9 administration of such funds and shall maintain oversight of the conduct of the annual audit.

10 **Section 21. Appropriation to Guam Election Commission.**

11 (a) The sum of Seventy Thousand Dollars **(\$70,000.00)** is hereby appropriated from the General
12 Fund to the Guam Election Commission for the purpose of providing five percent (5%) local matching funds in
13 order to obtain a Federal grant of approximately One Million Four Hundred Thousand Dollars **(\$1,400,000.00)**.
14 The funds will be utilized to provide electronic voting by 2006.

15 (b) *If* no Federal match is received, the amount appropriated in (a) above shall *revert* back to the
16 General Fund.

17 **Section 22. Guam Memorial Hospital Retirement Fund Contribution.** The sum of One
18 Million Two Hundred Thousand Dollars **(\$1,200,000.00)** is hereby appropriated from the General Fund to the
19 Government of Guam Retirement Fund for the payment of Guam Memorial Hospital's outstanding retirement
20 fund contribution due on behalf of personnel who retire in order to perfect their eligibility.

21 **Section 23. Appropriation to the Department of Chamorro Affairs.** The sum of Fifty
22 Thousand Dollars **(\$50,000.00)** is hereby appropriated from the General Fund to the Department of *Chamorro*
23 Affairs for a Guam Museum Curator.

24 **Section 24. Appropriation to Department of Administration for Training.** (a) The sum of
25 Twenty-five Thousand Dollars **(\$25,000.00)** is hereby appropriated from the General Fund to the Department
26 of Administration for the payment of training services provided by the Association of Government
27 Accountants, *specifically* for the training of government public accountants.

28 (b) If the Association of Government Accountants is *not* contracted to perform the training identified
29 in (a) above, the amount appropriated shall *revert* back to the General Fund.

30 **Section 25. Appropriation to the Department of Military Affairs for Office of Veterans**
31 **Affairs.** The sum of Two Hundred Seventy Thousand Dollars **(\$270,000.00)** is hereby appropriated from the
32 General Fund to the Office of Veterans Affairs for the purpose of hiring three (3) Veterans Service
33 Representatives to expedite the processing of Veteran benefit applications, as well as for rent and utilities
34 needed to permit expansion of office space and service area for the Office of Veterans Affairs, and for a
35 public information campaign to encourage Veterans to apply for benefits.

1 **Section 26. Appropriation to the Guam Developmental Disabilities Council.** The sum of
2 Twenty Thousand Dollars **(\$20,000.00)** is hereby appropriated from the General Fund to the Guam
3 Developmental Disabilities Council for its Fiscal Year 2005 operations, rentals and utilities.

4 **Section 27. Appropriation to the Chamorro Land Trust Commission.** The sum of Two
5 Hundred Fifty Thousand Dollars **(\$250,000.00)** is hereby appropriated from the General Fund to the
6 *Chamorro* Land Trust Commission for establishment of the Residential Survey Revolving Fund for use in
7 Fiscal Year 2005.

8 **Section 28. Appropriation for Salary Increments.** The sum of One Million Five Hundred
9 Thousand Dollars **(\$1,500,000.00)** is hereby appropriated from the General Fund to fund a one-step salary
10 increment for all eligible line agency Executive Branch employees funded by the General Fund for Fiscal Year
11 2005. BBMR shall determine the amount required for each agency to implement this Section, and shall
12 allocate the funds accordingly. Increments for the Department of Education are appropriated separately in
13 this Act.

1 **(a) Community Health Centers.** The sum of One Million Four Hundred Twenty-three
2 Thousand Five Hundred Sixty Dollars **(\$1,423,560.00)** is hereby appropriated from the Healthy Futures Fund
3 to the Department of Public Health and Social Services to expand the capacity of the Northern and Southern
4 Community Health Centers (the “Centers”) to provide primary and preventive care to the Medically Indigent
5 Program (“MIP”) clients, which shall include the expansion of clinical and support staff services.

6 All MIP clients shall be seen at the Community Health Centers during regular operational hours, while
7 specialty care will continue to be contracted with private physicians in the community.

8 **(b) Division of Environmental Health.** The sum of Three Hundred Twenty-
9 two Thousand Dollars **(\$322,000.00)** is hereby appropriated from the Environmental Health Fund to the
10 Department of Public Health and Social Services, Division of Environmental Health, for operations, inclusive
11 of Personnel Services.

12 **Section 6. Appropriation to the Department of Mental Health and Substance Abuse.** The
13 sum of One Million Dollars **(\$1,000,000.00)** is hereby appropriated from the Healthy Futures Fund to the
14 Department of Mental Health and Substance Abuse for the purpose of expansion of programs, such as the
15 New Beginnings, services for children with severe emotional disorders, and youth prevention programs such
16 as substance and tobacco abuse prevention.

17 **Section 7. Child Mental Health Initiative Program Grant Fund.** The sum of Two Hundred
18 Fifty Thousand Dollars **(\$250,000.00)** is hereby authorized to be expended for Fiscal Year 2005 from the
19 Healthy Futures Fund to the Child Mental Health Initiative Program Grant Fund as a local match to the Child
20 Mental Health Initiative Program Grant to support children and adolescents (under 22 years of age) with
21 serious emotional disturbances and their families, as appropriated in Public Law 27-29.

22 **Section 8. Appropriation to Guam Fire Department.** The sum of One Hundred Sixty
23 Thousand Dollars **(\$160,000.00)** is hereby appropriated from the unencumbered and unallotted funds from
24 the Fiscal Year 2004 Tourist Attraction Fund to the Guam Fire Department for the repair of the Bronto Skylift
25 and for the procurement of an ambulance to include a maintenance agreement contract.

26 **Section 9. Appropriation to Department of Corrections.** The sum of One Million Seven
27 Hundred Thirteen Thousand Four Hundred Forty-three Dollars **(\$1,713,443.00)** is hereby appropriated from
28 the Corrections Revolving Fund to the Department of Corrections to be used to purchase clothing for
29 prisoners and detainees, food stuffs for the dining facility, and medical supplies and medicine for prisoners
30 and detainees.

31 **Section 10. Appropriations to Department of Youth Affairs and Department of Mental
32 Health and Substance Abuse.**

33 **(a)** The sum of Two Hundred Fifty Thousand Dollars **(\$250,000.00)** is hereby appropriated from
34 the Safe Homes, Safe Streets Fund to the Department of Youth Affairs (“DYA”) consistent with §26302 (d) of
35 Title 11 GCA for Fiscal Year 2005.

1 **(b)** The sum of One Hundred Fifty-three Thousand One Hundred Forty-four Dollars
2 **(\$153,144.00)** is hereby appropriated from the Healthy Futures Fund to the Department of Mental Health and
3 Substance Abuse to fund (Sanctuary, Inc.) Youth Drug and Alcohol Program.

4 **(c)** Upon the enactment of this Act, on the fifteenth (15th) day of each month, the Director of
5 DYA, and the Director of the Department of Mental Health and Substance Abuse shall provide a detailed
6 report to the Speaker of *I Liheslaturan Guåhan* on the total expenditures and specific program of said
7 expenditures as contained in the provisions of this Section.

8 **Section 11. Appropriation to the Unified Judiciary for Erica’s House of Hope.**
9 Notwithstanding any other provision of law, the sum of One Hundred Thousand Dollars **(\$100,000.00)** is
10 hereby appropriated from the Safe Streets Fund to the Unified Judiciary to fund (Erica’s House of Hope) for
11 operation of a family visitation center for Fiscal Year 2005.

12 **Section 12. Appropriations to the Mayors Council of Guam.**

13 **(a)** The sum of Five Hundred Thousand Dollars **(\$500,000.00)** is hereby appropriated from the
14 Village Streets Fund to the Mayors Council of Guam. The purpose of such funds is for the maintenance and
15 beautification of village roads, repair and renovation of senior citizen centers and youth facilities, and stray
16 animal control. Such funds shall *not* be subject to any transfer authority of *I Maga’lahen Guåhan*. The Village
17 Streets Fund shall be divided among the Village Mayors as follows:

- 18 (1) Each Mayor shall be allocated the sum of Fifteen Thousand Dollars **(\$15,000.00)**;
19 and
20 (2) The remaining balance of the Village Streets Fund shall be distributed to each Mayor
21 on a *pro rata* basis based on the total local road mileage in each village as a
22 percentage of the total local road mileage in the 1998 Local Road Inventory of the
23 Department of Public Works.

24 **(b)** The sum of Three Hundred Eighty Thousand Dollars **(\$380,000.00)** is hereby appropriated to
25 the Mayors Council from the Safe Homes, Safe Streets Fund to be expended, in accordance with plans
26 approved by the Village Municipal Planning Council and filed with the Director of the Department of
27 Administration, on public safety and social programs that enforce alcohol regulations, reduce underage
28 drinking, support traffic safety, reduce drug-related violence and abuse, and/or support government of Guam
29 substance abuse prevention programs.

30 **(c)** The sum of Five Hundred Thousand Dollars **(\$500,000.00)** is hereby appropriated to the
31 Mayors Council of Guam from the unencumbered and unallotted carryover from the Fiscal Year 2004 Tourist
32 Attraction Fund, and shall be used by the Mayors Council of Guam for village beautification projects island-
33 wide, which may include, but are *not limited to*, the maintenance and upkeep of public restroom and
34 recreational facilities. The amount appropriated herein shall be divided equally among the nineteen (19)
35 villages.

1	h.	North America/Armed Forces	\$200,000.00
2		Marketing Subtotal	\$10,099,411.00
3	(3)	Printing / Promotional	\$355,200.00
4	(4)	Research	\$418,275.00
5	(5)	Cultural Heritage	\$390,000.00
6	(6)	Community Development	\$332,000.00
7	(7)	Sports Tourism	\$250,000.00
8	(8)	Tourist Industry Relations	\$265,000.00
9		General Appropriations Total	\$14,099,731.00

10 **(b) Special Projects.** The sum of One Million Four Hundred Ninety Thousand Dollars
11 **(\$1,490,000.00)** for the following special projects:

- 12 (1) The sum of Three Hundred Thirty Thousand Dollars **(\$330,000.00)** for the Tumon
13 and Agana Beach Cleaning and Maintenance.
- 14 (2) The sum of Four Hundred Thousand Dollars **(\$400,000.00)** for the Tumon
15 Landscaping Maintenance.
- 16 (3) The sum of Forty Thousand Dollars **(\$40,000.00)** for repairs to the Talofofo
17 Gymnasium and Forty Thousand Dollars **(\$40,000.00)** for repairs to the Yona
18 Gymnasium.
- 19 (4) The sum of Forty Thousand Dollars **(\$40,000.00)** for the repair of the Tamuning
20 Gymnasium and Forty Thousand Dollars **(\$40,000.00)** for the repairs to the Yigo
21 Gymnasium.
- 22 (5) The sum of Five Hundred Forty-three Thousand Dollars **(\$543,000.00)** for the
23 Islandwide Roadways Beautification and Maintenance.
- 24 (6) The sum of Fifty-seven Thousand Dollars **(\$57,000.00)** for the Guam Micronesia
25 Island Fair.

26 **(c)** The sum of One Hundred Thousand Dollars **(\$100,000.00)** is hereby appropriated from the
27 unencumbered and unallotted carryover from the Fiscal Year 2004 Tourist Attraction Fund to the Guam
28 Visitors Bureau to fund *Pa'a Taotao Tano'*, a *Chamorro* Cultural Village in Tumon.

29 **(d)** The sum of One Hundred Thousand Dollars **(\$100,000.00)** is hereby appropriated from the
30 unencumbered and unallotted carryover from the Fiscal Year 2004 Tourist Attraction Fund to the Guam
31 Visitors Bureau for *Gef Pago'* operations, repair and facility upgrade.

32 **(e) Guam Visitors Bureau Transfer Authority.** The Guam Visitors Bureau is hereby
33 authorized transfer authority over the monies appropriated herein. Such transfer authority shall *not* permit
34 transfers out of the General Administration category and shall *not* permit transfers into or out of the Personnel
35 Services category.

36 **(f) Administrative Provisions.**

- 1 (1) The appropriations made in Subsection (a) of this Section shall *not* be expended for
2 any other purpose.
- 3 (2) *Except* for the transfer authority provided in Subsection (e) of this Section, *no* other
4 transfer is authorized from the appropriations made in this Section.
- 5 (3) Unless otherwise stipulated in this Act, the Tourist Attraction Fund (“TAF”)
6 appropriations contained herein shall be utilized *solely* for the purposes outlined
7 herein and shall *not* be subject to any transfer authority by *I Maga'lahaen Guåhan*.
- 8 (4) GVB shall use the marketing and promotions budget to promote Guam as a
9 wholesome family-oriented destination offering activities conducive to maximizing the
10 natural and cultural elements of Guam.

11 **Section 14. Appropriations to the Guam Environmental Protection Agency.** The sum of
12 Eight Hundred Ninety-nine Thousand Seven Hundred Fourteen Dollars (**\$899,714.00**) is hereby appropriated
13 as follows:

14 (a) **Air Pollution Control Special Fund.** The sum of Two Hundred Fifty Thousand Dollars
15 (**\$250,000.00**) is hereby appropriated from the Air Pollution Control Special Fund (10 GCA §49107) to the
16 Guam Environmental Protection Agency for personnel, equipment, supplies, utilities, miscellaneous,
17 contractual and capital outlay.

18 (b) **Guam Environmental Trust Fund.** The sum of Three Hundred Twenty-nine Thousand
19 Seven Hundred Fourteen Dollars (**\$329,714.00**) is hereby appropriated from the Guam Environmental Trust
20 Fund (10 GCA §45200) to the Guam Environmental Protection Agency, for hazardous waste cleanups, for the
21 Supplemental Environmental Project (“SEP”) of the pending Ordot Dump Consent Decree, inclusive of
22 household hazardous waste collection, transport, processing, storage and disposal, personnel, equipment,
23 contractual and supplies.

24 (c) **Water Research and Development Fund.** The sum of Two Hundred Thousand Dollars
25 (**\$200,000.00**) is hereby appropriated from the Water Research and Development Fund (P. L. 22-47, 10 GCA
26 Chapter 46, §46116) to the Guam Environmental Protection Agency for contractual, supplies, equipment,
27 miscellaneous and capital outlay.

28 (d) **Solid Waste Management Fund.** The sum of Forty-five Thousand Dollars (**\$45,000.00**) is
29 hereby appropriated from the Solid Waste Management Fund (P. L. 23-64, 10 GCA §51117) to the Guam
30 Environmental Protection Agency for contractual, equipment, supplies and capital outlay.

31 (e) **Water Protection Fund.** The sum of Seventy-five Thousand Dollars
32 (**\$75,000.00**) is hereby appropriated from the Water Protection Fund (P. L. 25-152, Rules and Regulations,
33 §10108G) to the Guam Environmental Protection Agency for contractual, equipment, supplies and capital
34 outlay.

35 (f) **Transfer Exemption.** The funds appropriated in this Section are *not* subject to *I Maga'lahaen*
36 *Guåhan's* transfer authority.

1 **Section 15. Appropriation to the Department of Public Works.** The sum of Three Million
2 Seven Hundred Eighty Thousand Dollars **(\$3,780,000.00)** is hereby appropriated from the Street Light Fund
3 to the Department of Public Works for the following purposes:

4 **(a)** Three Million Seven Hundred Forty-six Thousand Dollars **(\$3,746,000.00)** for payment to the
5 Guam Power Authority for power consumption of public street lights.

6 **(b)** Thirty-four Thousand Dollars **(\$34,000.00)** for the removal of abandoned vehicles.

7 **(c)** The Director shall submit a quarterly report of the expenditures from the appropriation herein
8 to the Speaker and the Chairman of the Committee on Budget and Appropriations of *I Liheslaturan Guåhan*.

9 **Section 16. Appropriation to the Department of Public Works for Ija Subdivision.** The
10 sum of Five Hundred Thousand Dollars **(\$500,000.00)** is hereby appropriated from the Guam Highway Fund
11 to the Department of Public Works for the purpose of funding the road construction and repair for the *Ija*
12 Subdivision in Inarajan.

13 **(a)** The Department of Public Works shall initiate the repair and construction of the primary road
14 for the *Ija* Subdivision within forty-five (45) days from the enactment of this Act.

15 **(b)** The sums appropriated above shall *not* be subject to the transfer authority of *I Maga'lahen*
16 *Guåhan* and shall be used *solely* for the repair and construction of the primary road for the *Ija* Subdivision.
17 Any unexpended sums appropriated herein following the completion of the project shall *revert* back to the
18 Guam Highway Fund.

19 **(c)** The Department of Public Works shall provide the Speaker of *I Liheslaturan Guåhan* a written
20 report on the progress and activities of the expenditure of said funds every ninety (90) days upon the effective
21 date of this Act, and until such time that the project is completed.

22 **Section 17. Appropriation from the Territorial Education Facilities Fund.** Notwithstanding
23 any other provision of law, rule, or regulation, the sum of Seven Million Four Hundred Nineteen Thousand
24 Nine Hundred Fifty-four Dollars **(\$7,419,954.00)** is hereby appropriated from the balance of the Territorial
25 Educational Facilities Fund for payment of the 1995 General Obligation Bond.

26 **Section 18. Compensation for Land Taking.**

27 **(a) Legislative Findings and Intent.** *I Liheslaturan Guåhan* is aware of the government of
28 Guam's actions in utilizing private land area along Route 4, Municipality of Inarajan, adjacent to the St.
29 Joseph Catholic Cemetery, for the purpose of road expansion and shore protection and also for the purpose
30 of protecting Route 4 and the Inarajan St. Joseph Catholic Cemetery from high waters and tidal upsurge
31 during storms and other acts of nature. Specifically, these parcels are identified as Lot Numbers 76 and 59-
32 RW. Both lots are registered to Mr. and Mrs. Johnny Diego. Mr. and Mrs. Johnny Diego are claiming
33 compensation from the government of Guam for Lot Numbers 76 and 59-RW in the Municipality of Inarajan.
34 The parties have legitimate claims with the government of Guam. It is the intent of *I Liheslatura* to
35 compensate these individuals for the government's action in taking over these parcels for public use.

1 **(b) Conditions.** Notwithstanding any other provision of law, Mr. and Mrs. Johnny Diego have
2 clear title to Lot Numbers 76 and 59-RW, according to documents filed with the Department of Land
3 Management. A Warranty Deed indicating the conveyance to the government of Guam must be executed
4 prior to reimbursement or just compensation.

5 **(c) Compensation.** Notwithstanding any other provision of law, compensation to Mr. and Mrs.
6 Johnny Diego will be divided into two (2) equal installment payments. Mr. and Mrs. Johnny Diego have clear
7 title to said properties. A Warranty Deed indicating the conveyance to the government of Guam must be
8 executed prior to reimbursement or just compensation.

9 **(d) Appropriation.** Notwithstanding any other provision of law, the sum of Ninety-three
10 Thousand One Hundred Eleven Dollars **(\$93,111.00)** is hereby appropriated from the Territorial Highway
11 Fund to compensate Mr. and Mrs. Johnny Diego. These funds are to be deducted from the Territorial
12 Highway Fund that allow for the acquisition of real property for the purpose of highway improvements, which
13 includes expansion.

14 **Section 19. Appropriation to the Department of Revenue and Taxation.** The sum of Forty-
15 two Thousand Dollars **(\$42,000.00)** is hereby appropriated from the Safe Homes, Safe Streets Fund to the
16 Department of Revenue and Taxation for additional personnel to monitor the island's inventory of tobacco and
17 alcohol for assessment of taxes.

18 **Section 20. Plant Inspection and Permit Fund Appropriation.** The sum of Forty Thousand
19 Dollars **(\$40,000.00)** is hereby appropriated from the Plant Inspection and Permit Fund to the Department of
20 Agriculture, pursuant to Section 73207 of Title 5, Guam Code Annotated, for the administration, operation,
21 maintenance, and improvement of the Plant Inspection Station of the Department of Agriculture.

22 **Section 21. Foster Homes.** Stipends and fees paid to Foster Homes as administered by the
23 Department of Public Health and Social Services shall be immediately increased by fifty percent (50%),
24 across the board. Beginning in Fiscal Year 2006, such fees and stipends shall be increased by five percent
25 (5%) per annum, for a period of ten (10) years. The sum of One Hundred Fifty Thousand Dollars
26 **(\$150,000.00)** is hereby appropriated from the Safe Homes, Safe Streets Fund to accomplish the purpose of
27 this Section.

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CHAPTER VI.

MISCELLANEOUS PROVISIONS.

Section 1. Reinstatement of Salary Increments and Merit Bonuses. (a) Notwithstanding any other provision of law, *not less than* a one-step salary increment shall be uniformly restored to all eligible employees of all branches and entities of the government of Guam; autonomous agencies and public corporations; and the Mayors Council and Mayoral Offices.

(b) The information provided by the Administration conflicts regarding the amount necessary to fully restore salary increments to all employees, and *I Liheslatura* is therefore unable to determine an exact amount required. However, *I Liheslatura* finds that Fiscal Year 2003 lapses totaling over Fourteen Million Dollars (\$14,000,000.00) have been identified and used as recently as June 2004 by *I Maga'lahi* to fund various agencies, including *I Maga'lahi's* Office, and were not directed to pay for tax refunds or to lift the freeze on salary increments.

(c) Notwithstanding any other provision of law or this Act, lapses in Fiscal Year 2004 and all other prior years appropriations to the Executive Branch from the General Fund shall *not* revert to the General Fund, but shall be identified by *I Maga'lahen Guåhan* and reported to the Speaker of *I Liheslaturan Guåhan* within forty-five (45) days of the close of Fiscal Year 2004, identifying the source and amount of the lapse; provided that these unexpended lapses *shall* be expended as necessary for the payment of the uniform restoration of all salary increments due to all Executive Branch government of Guam employees funded by the General Fund pursuant to Subsection (a). Unless otherwise provided in this Act, lapses shall *not* be used for any other purpose. A report detailing the amount and source of all lapses to be used for restoration of salary increments shall be transmitted by *I Maga'lahi* to *I Liheslaturan Guåhan* at least fourteen (14) days prior to the proposed expenditure. Failure to provide notice as provided in this Section shall render the expenditure null and void.

Section 2. Above-step Recruitment and Reclassification Moratorium. Notwithstanding any other provision of law, rule, or regulation, and except as provided in Chapter IV of Section 5, effective October 1, 2004, there is hereby put into effect a government-wide moratorium on reclassifications and above-step recruitments, which shall remain in effect through September 30, 2005, and shall be applicable to all positions within every branch of government; public corporations; all government of Guam departments, bureaus, and agencies; instrumentalities, entities or sub-entities of the Executive, Legislative and Judicial Branches; the Mayors Council and Mayoral Offices, *except* for the following positions:

- (1) Teachers, School Health Counselors and on-call substitutes of the Department of Education;
- (2) Licensed and allied healthcare professionals, to include the Territorial Veterinarian;
- (3) Academic personnel at the University of Guam and the Guam Community College;
- (4) Positions determined by the Civil Service Commission ("CSC") as difficult to recruit and retain; and

1 (5) Uniformed, Forensic, and Crime Lab Personnel for Law Enforcement.

2 **Section 3. Government of Guam Retirement Fund Rate of Contribution.** In accordance with
3 §8137(e) of Article 1, Chapter 8 of Title 4 of the Guam Code Annotated, the government rate of contribution to
4 the Retirement Fund, beginning October 1, 2004 for Fiscal Year 2005, shall equal 20.81%.

5 **Section 4. Staffing Pattern and Expenditure Reporting.**

6 **(a) Staffing Pattern.** Beginning October 1, 2004, and continuing on each quarter thereafter, each
7 agency or department head in the Executive Branch of the government of Guam, the Chairperson of the
8 Judicial Council and the Chairperson of the Board of Trustees of the Public Defender Service Corporation
9 shall submit to the Speaker of *I Liheslaturan Guåhan* a current staffing pattern, as of the previous month's
10 ending, of employees funded by the respective instrumentality. Such staffing pattern shall include, *at a*
11 *minimum*, the name, position, salary, and benefits for each employee, as well as the funding source for the
12 salary and benefits of each employee. In lieu of staffing patterns, the requirements of this Subsection may be
13 met by submission of the disclosable portions of the Payroll Registers for the respective departments or
14 agencies for the previous month.

15 **(b) Expenditures.** Thirty (30) days after the end of each quarter of Fiscal Year 2005, each agency
16 or department head in the Executive Branch of the government of Guam, the Chairperson of the Judicial
17 Council, and the Chairperson of the Board of Trustees of the Public Defender Service Corporation shall
18 submit to the Speaker of *I Liheslaturan Guåhan* a detailed report, in writing, of full and complete expenditures
19 for their respective instrumentality for the preceding quarter, inclusive of sources of funding for such
20 expenditures.

21 **(c) Electronic Data.** In addition to the written documents requested in Subsections (a) and (b) of
22 this Section, reports shall be submitted in electronic format (including, but *not limited to*, disk, CD, and/or
23 email) to the Speaker of *I Liheslatura*.

24 **Section 5. Revenue Tracking and Deficit Prevention Measures.** All appropriations shall be
25 considered as authorizations for maximum expenditures, based upon the forecast of revenues assumed to be
26 sufficient to provide for such expenditures.

27 **(a) Agency Head Allotment Restriction.** It is the duty of an agency head *not* to exceed any
28 allotment assigned to that agency at any time during the execution of the approved budget. The requirements
29 of Chapter 14 of Title 4 of the Guam Code Annotated, relative to Certifying Officers, *shall* be adhered to in the
30 execution of these duties.

31 **(b) Deficit Prevention.** For purposes of preventing a deficit in any fund, all branches of
32 government that receive government funds shall participate in deficit prevention efforts. A deficit of any fund
33 shall be made up by canceling unexpended allotments of any prior appropriations or transfer.

34 **(c) BBMR Revenue Tracking.** The Director of the Bureau of Budget and Management Research
35 ("BBMR") shall determine, *no later than* forty-five (45) days *after* the close of each quarter of the Fiscal Year,
36 the revenue tracking for the balance of the Fiscal Year, based upon the actual collections of the preceding

1 quarter, and shall give notice of such actual revenue and projected revenue comparison to the Speaker and
2 the Chairman of the Committee on Budget and Appropriations of *I Liheslaturan Guåhan* no later than sixty
3 (60) days after the close of each quarter of the Fiscal Year.

4 **(d) Contracts Exceeding Funds Restriction.** No agency shall contract to spend, or enter into
5 an agreement to spend, any money in excess of the amount allotted to the agency by BBMR, and any
6 contract or agreement in violation of this Provision shall be null and void.

7 **(e) Criminal Penalty for Violation of Contractual Restriction.** Any agency head or Certifying
8 Officer who knowingly contracts to spend, or enters into an agreement to spend, any money in excess of the
9 amount allotted to the agency for whom the contract or agreement is executed shall be guilty of a
10 misdemeanor, punishable under Guam law.

11 **(f) Enforcement.** The agency head shall *strictly* observe the enforcement of proper government
12 spending, as prescribed in Chapter 7 of Title 5 of the Guam Code Annotated.

13 **Section 6. Moratorium on Compensation for Boards and Commissions.** Notwithstanding
14 any other provision of law, rule, or regulation, and *except* for the Civil Service Commission, the Guam
15 Education Policy Board, and the Consolidated Commission on Utilities, a moratorium is hereby placed on the
16 compensation of all members of government boards and commissions for their attendance at hearings or
17 meetings, through the end of Fiscal Year 2005.

18 **Section 7. Transfer of Employees.** Notwithstanding any other provision of law, and in
19 recognition of the shortages of personnel in certain areas of the government, *I Maga'lahaen Guåhan* is
20 authorized to transfer employees within or between any department or agency of the government of Guam,
21 *except* that:

- 22 (1) The provisions of this Section shall *not* apply to any employee of the Legislative or Judicial
23 Branches of government, personnel within the Department of Education, and personnel
24 within the University of Guam and the Guam Community College;
- 25 (2) The transfer of any employee shall *not* result in a loss of pay or salary;
- 26 (3) The transfer of any employee shall *not* occur if the employee has filed a legitimate grievance
27 with the Civil Service Commission for discrimination based on political affiliation, gender, or
28 sexual harassment, unless the said transfer is agreed to by the employee;
- 29 (4) The provisions of this Section shall *not* provide for the transfer of autonomous agency
30 employees into line departments or agencies;
- 31 (5) The transfer of any employee pursuant to this Section shall be accompanied with the
32 authorized funding for the transferred employee's position by the department or agency from
33 which the employee is being transferred, unless the employee is transferred to an
34 autonomous department or agency. The Director of the Department of Administration shall
35 submit to the Speaker of *I Liheslaturan Guåhan* and the Director of the Civil Service
36 Commission notification of said transfer;

1 (6) The employee shall be provided written notice thirty (30) days *prior* to the beginning of the
2 pay period in which the employee is to be transferred, *unless* the notice period is voluntarily
3 waived by the employee; and

4 (7) This Section shall *not* be used to transfer employees acting in the best interest of the
5 government in reporting or exposing bad business practices, illegal activities, or unofficial
6 conduct by public officials.

7 **Section 8. Preferred Hiring of Government Employees in Autonomous Agencies.**

8 Notwithstanding any other provision of law, rule or regulation, employees of the line departments and
9 agencies of the government of Guam shall have the right of first refusal for classified positions being recruited
10 in all autonomous agencies, departments, and instrumentalities, *except* those positions being recruited “in-
11 house” within such agency. Such recruitment shall be conducted in a competitive process consistent with the
12 merit system of the government of Guam. The Department of Administration is hereby directed and
13 authorized to develop a rating system for use by the autonomous agencies, departments, and
14 instrumentalities in the filling of such positions. This Section shall be interpreted to mean that employees of
15 the line departments and agencies are preferred for employment. In cases where the autonomous agencies,
16 departments, and instrumentalities opine that there are no qualified applicants found from the line
17 departments and agencies, the Civil Service Commission shall review the applications and render its opinion
18 as to the qualifications of the applicants. Should the Civil Service Commission agree with the autonomous
19 agencies, departments, or instrumentalities that no qualified applicant exists in the line departments or
20 agencies, then the Civil Service Commission shall certify that the applicants were not qualified and that the
21 need to recruit from outside government sources exists. The autonomous agencies, departments, or
22 instrumentalities may then commence general recruitment activities.

23 **Section 9. Personnel Ceiling.** Notwithstanding any other provision of law, rule, or regulation,

24 the overall number of full-time equivalent positions within the Executive Branch of the government of Guam
25 (the Ceiling) shall *not* exceed the number of employees of filled FTE positions as of June 30, 2004. The
26 Ceiling set out herein does *not* include, nor affect the following:

27 (1) Federally-funded and Non-General Fund-funded positions: matching and up to one hundred
28 percent (100%);

29 (2) Attorneys at the Department of Law, Office of the Attorney General;

30 (3) Classroom Instructional Support Personnel within the Department of Education, i.e.,
31 teachers, school health counselors, guidance counselors, on-call substitutes;

32 (4) Academic personnel at the University of Guam and the Guam Community College;

33 (5) Classified personnel within the Guam Police Department, the Department of Corrections, the
34 Department of Youth Affairs and the Guam Fire Department;

35 (6) Nurses, doctors, licensed medical professionals and employees necessary for clinical
36 purposes at the Department of Public Health and Social Services, the Department of Mental

1 Health and Substance Abuse, the Guam Memorial Hospital Authority, and the Department of
2 Integrated Services for Individuals with Disabilities;

3 (7) School Administrators (i.e. principals and assistant principals) at the Department of
4 Education;

5 (8) Social Workers for the Support Services Division of the Department of Integrated Services for
6 Individuals with Disabilities and at the Child Protective Services Division of the Department of
7 Public Health and Social Services; and

8 (9) Department of Public Works School Bus Drivers, Engineers, Transportation and Highway
9 Maintenance Employees.

10 **Section 10. Limited Term Appointment Moratorium.** Notwithstanding the provisions of
11 §4102 of Title 4 of the Guam Code Annotated, or any other provision of law, *no* person may be employed on
12 a temporary or limited-term basis by an instrumentality of the government of Guam during the Fiscal Year,
13 *except* for the following:

14 (1) Teachers, school health counselors, and on-call substitutes (within staffing pattern funding
15 levels);

16 (2) Attorneys at the Department of Law (within staffing pattern funding levels);

17 (3) Nurses and doctors (within staffing pattern funding levels);

18 (4) Temporary survey workers employed by the Department of Labor for the purpose of
19 conducting employment surveys (within staffing pattern funding levels);

20 (5) Licensed healthcare professionals and ancillary service personnel employed at the
21 Department of Education, the Guam Memorial Hospital Authority, the Department of Mental
22 Health and Substance Abuse, and the Department of Public Health and Social Services (all
23 within staffing pattern funding levels);

24 (6) Academic personnel positions at the University of Guam and the Guam Community College
25 (within their appropriated funding levels);

26 (7) (a) Temporary Solid Waste Technicians employed by the Division of Solid Waste
27 Management of the Department of Public Works for the purpose of collecting
28 residential solid waste;

29 (b) Such sums as are necessary are hereby appropriated from the Solid Waste
30 Operations Fund to fund the temporary positions contained in this Section;

31 (8) Federally-funded positions (matching and up to one hundred percent (100%)); and

32 (9) Temporary cafeteria services and facilities maintenance services workers employed by the
33 Department of Education *not to exceed* March 30, 2005 employment.

34 **Section 11. Restrictions on Executive Branch Hiring of Unclassified Employees.** *No*
35 government funds of any kind or description may be expended on employment of, or hiring of, unclassified
36 employees in the Executive Branch of the government of Guam, *except* for the following:

- 1 (1) Federally-funded positions (matching and up to one hundred percent (100%));
- 2 (2) Teaching positions at the Department of Education;
- 3 (3) Academic personnel positions at the University of Guam and the Guam Community College;
- 4 (4) Nurses, doctors, licensed health professionals and ancillary health employees necessary for
- 5 clinical purposes at the Department of Education, Department of Public Health and Social
- 6 Services, the Department of Mental Health and Substance Abuse, the Office of the Chief
- 7 Medical Examiner, the Guam Memorial Hospital Authority, Guam Police Department, and the
- 8 Department of Integrated Services for Individuals with Disabilities; and
- 9 (5) Department of Labor Survey Workers.

10 This provision does *not* apply to employees at the Office of *I Maga'lahaen Guåhan* and *I Segundu na*
11 *Maga'lahaen Guåhan*, and the appointments of department or agency heads and their First Assistants. For the
12 purpose of this Section, a First Assistant is recognized as the Deputy Director of such agency or a private
13 secretary, but *not* both.

14 **Section 12. Prohibition on Personal Services Contracts.**

15 Except for positions filled in accordance with the merit system at the University of Guam, the Guam
16 Community College, the Department of Education, the Unified Judiciary of Guam, the Guam Police
17 Department, *I Liheslaturan Guåhan*, and licensed health professionals at the Guam Memorial Hospital, the
18 Department of Public Health and Social Services and the Department of Mental Health and Substance Abuse,
19 positions in the classified and unclassified service shall *not* be filled pursuant to a contractual arrangement.

20 Pursuant to the procurement law, government of Guam departments and agencies may enter into
21 agreements with independent contractors provided that *no* such agreement may contract for services
22 ordinarily provided by the positions defined in the classified service, unless permitted by the organic statute of
23 an agency.

24 It is *not* the intention of this Section to prohibit the use of independent contracts for obtaining
25 commonly recognized professional services, such as licensed health professionals, licensed architects,
26 licensed engineers, legal services, actuarial services and auditing services (to include the Government of
27 Guam Annual Single Financial Audit) in those agencies that don't otherwise regularly provide such services
28 by appointment of a regular employee.

29 **Section 13. Retirement Option for Government of Guam Employees Upon the Complete**
30 **Remittance of Individual Retirement Fund Contributions.** Any and all active members of the Government
31 of Guam Retirement Fund who meet the minimum eligibility requirements for retirement shall be granted the
32 opportunity to retire upon the complete remittance of his or her outstanding individual retirement fund
33 contributions. Such contributions shall include the employee and employer retirement fund contributions.
34 Any and all fees, interest at actuarial rate, and penalties associated with the requirements set forth by the
35 Government of Guam Retirement Fund shall be paid by the Government.

1 The provisions set forth herein *shall in no way* be interpreted by any government of Guam entity or
2 administrator as an allowance to restrict the continual remittance of existing retirement fund contributions as
3 required by law, or as set forth by the Government of Guam Retirement Fund.

4 By the fifteenth (15th) day of each month, *I Maga'lahaen Guåhan* shall provide a detailed report to *I*
5 *Liheslaturan Guåhan* on the remittances and number of retirements for the prior month pursuant to this
6 Section.

7 **Section 14. Land Survey Revolving Fund.** A new Subsection 60602(1) is hereby *added* to
8 Article 6, Chapter 60, Subpart E, Title 21 of the Guam Code Annotated, to read:

9 “(1) Notwithstanding any other provision of law, *no* funds from the Land Survey Revolving
10 Fund may be expended or encumbered without an appropriation by *I Liheslaturan Guåhan*.”

11 **Section 15. Village Streets Fund.** Effective October 1, 2004, *no* funds from the Village Streets
12 Fund may be expended or encumbered without an appropriation by *I Liheslaturan Guåhan*.

13 **Section 16. Street Light Fund.** (a) Subsection (a) of §7161, Title 16, Guam Code
14 Annotated, is hereby *amended* to read:

15 “(a) There is established within the Treasury of Guam a fund to be known as the Street Light
16 Fund, which shall be maintained separate and apart from any other funds, including the General Fund
17 of the Government and independent records and accounts shall be maintained in connection
18 therewith. Money in the Street Light Fund shall be used to pay for the installation and operation of
19 public street lights. All revenues deposited in the Fund are reserved for use by the Guam Power
20 Authority for payment for operation and installation of public street lights.”

21 (b) A new Subsection (e) is hereby *added* to §7161 of Title 16, Guam Code Annotated, to read:

22 “(e) *No* funds from the Street Light Fund may be expended or encumbered without an
23 appropriation by *I Liheslaturan Guåhan*.”

24 **Section 17. Corrections Revolving Fund.** A new §90.49 is hereby *added* to Article 1 of
25 Chapter 90 of Title 9 of the Guam Code Annotated, to read:

26 “§90.49. **Corrections Revolving Fund.** There is hereby created, within the
27 Department of Corrections, a revolving fund called the ‘Corrections Revolving Fund’, which shall be
28 established by the Department of Administration in accordance with the following provisions herein:

29 (1) All funds collected from the U.S. Marshall Service, the U.S. Immigration
30 Service and the U.S. Bureau of Prisons for housing U.S. prisoners and detainees, employees
31 of the Department of Corrections for meals they purchase at the department’s dining facility,
32 and the sale of hot garbage (pig slop) to private persons, shall be deposited into said Fund.

33 (a) Funds in the Corrections Revolving Fund may be used to purchase clothing
34 for prisoners and detainees, foodstuffs for the dining facility, and medical
35 supplies and medicine for prisoners and detainees.

1 (b) Expenditures from the Fund shall be approved by the Director of the
2 Department of Corrections.

3 (c) A complete and accurate accounting of all money deposited into and
4 withdrawn from such Fund shall be maintained by the Department of
5 Administration.

6 (d) Such accounting shall include and clearly identify the sources and amounts
7 of all funds paid into or withdrawn from said Fund.

8 (2) The Corrections Revolving Fund shall be maintained separate and apart from all
9 other funds of the government of Guam.

10 (3) No expenditures and encumbrances from the Corrections Revolving Fund shall be
11 made without legislative approval through appropriation.”

12 **Section 18. School Lunch/SAE/Child Nutritional Meal Reimbursement Fund.** A new §3217
13 is hereby *added* to Article 1, Chapter 3, Division 1, Title 17, Guam Code Annotated, to read:

14 “§3217. There is hereby created, within the Department of Education (‘DOE’), a special fund
15 called the ‘School Lunch/SAE/Child Nutritional Meal Reimbursement Fund’, which shall be subject to
16 legislative appropriation. All monies collected by DOE from the school lunch program, Federal Funds
17 paid to the government of Guam for reimbursement under the National School Lunch and Breakfast
18 Programs, and State Administrative Expense (‘SAE’) Funds shall be deposited into said Fund and
19 shall be administered as follows:

20 (a) The monies in the Fund shall be used for non-personnel operating expenses in
21 accordance with the guidelines established for such programs.

22 (b) The Department of Education nutrition program shall be in full compliance with the
23 guidelines set forth by the United States Department of Education and the United
24 States Department of Agriculture.

25 (c) The School Lunch/SAE/Child Nutritional Meal Reimbursement Fund is *excluded* from
26 the transfer authority of *I Maga’lahen Guåhan*.

27 (d) The Superintendent of Education shall submit a separate report of the revenues and
28 expenditures for each of the Fund sources to *I Maga’lahen Guåhan* and *I*
29 *Liheslaturan Guåhan* within thirty (30) days of the close of each quarter of Fiscal Year
30 2005.”

31 **Section 19. Disposition of Excess Accrued Annual Leave.** Subsection (c) of 4 Guam Code
32 Annotated §4109, is hereby *amended* to read as follows:

33 “(c) Employees entitled to annual leave hereunder may accumulate up to three hundred twenty (320)
34 hours. Any annual leave earned by eligible employees in excess of three hundred twenty (320) hours shall be
35 credited to such employee’s accumulated sick leave, provided, that *no more than* one hundred (100) hours

1 shall be credited to sick leave at the end of each fiscal year. The determination of accumulation of annual
2 leave, and crediting of excess hours sick leave, shall be done at the end of each fiscal year.

3 Notwithstanding the provision of this Section, employees who have accumulated annual leave in
4 excess of three hundred twenty (320) hours as of February 28, 2003, may carry over their excess and shall
5 use the excess amount of leave, *prior* to retirement or termination from service. At the time of retirement or
6 termination of service, that portion permitted to be credited to sick leave shall be so credited and the
7 remainder of the excess leave, if any, shall be lost. Nothing herein shall allow lump sum compensation or
8 retirement credit for annual leave in excess of three hundred twenty (320) hours.”

9 **Section 20. Attorney Salary Schedule.** §6208 of Title 4, Guam Code Annotated, is *amended*
10 to read as follows:

11 **“§6208. Government Attorneys Salaries.** It is the intent of *I Liheslatura* that all full-time
12 attorneys working for the government of Guam, its agencies and instrumentalities (including
13 autonomous agencies and instrumentalities), the Judiciary, and the Public Defender Service
14 Corporation be paid according to the following schedule in order to make the pay received by full-time
15 attorneys working for different departments and agencies more or less uniform. Therefore, all full-
16 time attorneys now working for or later hired after the effective date of this Section by the government
17 of Guam, its agencies and instrumentalities (including autonomous agencies and instrumentalities),
18 the Judiciary, and the Public Defender Service Corporation including classified, unclassified, and
19 contract hire shall be paid according to the following schedule. However, no attorney working for the
20 government of Guam on the effective date of this Act shall have his or her salary reduced by this
21 schedule below.

22 **ATTORNEY I**

- 23 **(a)** An attorney with zero (0) to three (3) years experience as an attorney, working under the
24 supervision of a senior attorney or judge. The pay scale and steps shall be as follows:
25 Step 1 – under one (1) year as an attorney, \$40,352;
26 Step 2 – more than one (1) year but *less than* two (2) years as an attorney, \$42,874; and
27 Step 3 – more than two (2) years but *less than* three (3) years as an attorney, \$45,396.

28 **ATTORNEY II**

- 29 **(b)** An attorney with three (3) years experience but *less than* five (5) years experience as an
30 attorney, working under the supervision of a senior attorney. The pay scale and steps shall
31 be as follows:
32 Step 1 – more than three (3) years but *less than* four (4) years experience as an attorney,
33 \$47,008;
34 Step 2 – more than four (4) years but *less than* five (5) years experience as an attorney,
35 \$49,773.

36 **ATTORNEY III**

1 (c) A senior attorney with over five (5) years but *less than* eight (8) years experience as an
2 attorney, working with minimal supervision, who may supervise and direct other attorneys.
3 The hiring authority may allow up to two (2) years of attorney experience credit or seniority
4 credit for special skills, training, or excellence as an attorney. The pay scale and steps shall
5 be as follows:

6 Step 1 – more than five (5) years but *less than* six (6) years experience as an attorney,
7 \$51,723;

8 Step 2 – more than six (6) years but *less than* seven (7) years experience as an attorney,
9 \$54,765; and

10 Step 3 – more than seven (7) years but *less than* eight (8) years experience as an attorney,
11 \$59,329.

12 ATTORNEY IV

13 (d) An Attorney IV includes all non-supervisory and program-supervisor senior attorneys, to
14 include, the Chief Deputy Attorney General, and the Public Defender. A senior attorney with
15 over eight (8) years as an attorney, working with minimal supervision, with possible
16 supervisory duties over other attorneys. The hiring authority may allow up to three (3) years
17 of attorney experience credit or seniority credit for special skills, trial experience, training, or
18 excellence as an attorney, to the extent the attorney has less than eleven (11) years of
19 experience as an attorney. The pay scale and steps shall be as follows:

20 Step 1 – over eight (8) years but *less than* nine (9) years of experience as an attorney,
21 \$62,114;

22 Step 2 – over nine (9) years but *less than* ten (10) years of experience as an attorney,
23 \$68,493;

24 Step 3 – over ten (10) years but *less than* eleven (11) years of experience as an attorney,
25 \$72,522;

26 Step 4 – over eleven (11) years but *less than* twelve (12) years of experience as an attorney,
27 \$75,208;

28 Step 5 – over twelve (12) years but *less than* fifteen (15) years of experience as an attorney,
29 \$77,894; and

30 Step 6 – over fifteen (15) years experience as an attorney, \$80,580.

31 Any attorney who has sixteen (16) years or more of total experience as an attorney, and who
32 has reached the level of Attorney IV, Step 6, shall thereafter receive a pay increase of 3.5% every
33 two (2) years of service as a government of Guam attorney.

34 In the case of attorneys working for the government of Guam as of the effective date of this
35 Section, the Department of Administration shall review the current attorney's salaries and slot the
36 attorneys into the appropriate step and grade of the previous salary structure without regard to any

1 freeze on salaries that may have occurred. After placing the attorneys at the appropriate step and
2 grade, the attorneys shall then be slotted in accordance with the above schedule closest to, but *not*
3 below the step and grade established by the Department of Administration and to receive pay
4 increases established by the new salary structure on their anniversary of hire. The slotting into the
5 appropriate steps closest to, but *not* below their current salaries shall include all experience and
6 seniority credits.

7 The salary schedules contained in Subsections (a) through (d) above may be modified upwards from
8 time to time by the Civil Service Commission pursuant to the Administrative Adjudication Act public notice
9 requirements without further legislation.”

10 **Section 21. Guam Visitors Bureau.** A new Subsection 9109(c) is hereby *added* to Chapter 9,
11 Article 1, 12 Guam Code Annotated, to read:

12 “**§9109(c).** The Bureau shall *not* employ employees in any foreign country or territory.
13 Neither the Board nor the General Manager shall enter into contracts with individuals in foreign
14 countries or territories. All work to be done in foreign countries or territories shall be outsourced to a
15 firm, association, or corporation as may be deemed necessary or appropriate. Contracts to
16 individuals shall *not* be permitted for such services.”

17 **Section 22. Public Recreation Services Fund.** 21 Guam Code Annotated §77114(a), is
18 hereby *repealed* and *reenacted* to read as follows:

19 “**§77114(a). Public Recreation Services Fund.** Notwithstanding any other provision of law,
20 there is hereby created, within the Department of Parks and Recreation, the ‘Public Recreation
21 Services Fund’, which shall be a fund separate and apart from the General Fund and from any other
22 special funds of the government of Guam. Any and all funds generated through department fees,
23 fines and assessments by the Department of Parks and Recreation shall be deposited into the Public
24 Recreation Services Fund. The Director of the Department shall administer said funds independently
25 from the General Fund, with a minimum requirement of dual signatures for the expenditure of any
26 funds within the authorized guidelines.

27 Expenditures of the Public Recreation Services Fund shall be restricted to expenditures in the
28 following areas, and for the following purposes:

- 29 (i) the maintenance, upgrade and upkeep of all parks and recreational facilities within
30 the jurisdiction of the Department;
- 31 (ii) the purchase of supplies, materials and equipment to support the activities outlined in
32 Subsection (i) above; and
- 33 (iii) the creation or continuance of existing community related programs and activities for
34 the benefit of the island.

1 Funds from the Public Recreation Services Fund shall *not* be expended for personnel
2 services, but used *solely* for operations as highlighted above. The expenditure of all funds in the
3 Public Recreation Services Fund shall be subject to legislative appropriation.

4 The Director of the Department of Parks and Recreation shall provide a monthly financial
5 report on the funds generated each month, within ten (10) days following the preceding month.

6 **(b)** The establishment of the Public Recreation Services Fund shall replace all funds
7 previously identified in Chapter 77 of Title 21, Guam Code Annotated, including the 'Parks Fund',
8 'Parks and Recreation Revolving Fund', and the 'Recreation Revolving Fund', with said funds to be
9 closed immediately. The balances of all the funds following reconciliation of the respective accounts
10 shall be included in a written report to be provided to the Speaker of *I Liheslaturan Guåhan*, *no later*
11 *than* ten (10) days after such transaction."

12 **Section 23. Plebiscite Date.** 1 Guam Code Annotated §21110, is hereby *amended* to read as
13 follows:

14 **"§21110. Plebiscite Date and Voting Ballot.** (a) The Guam Election Commission shall
15 conduct a 'Political Status Plebiscite', at which the following question, which shall be printed in both
16 English and *Chamorro*, shall be asked of the eligible voters:

17 'In recognition of your right to self-determination, which of the following political status options
18 do you favor? (Mark ONLY ONE):

- 19 1. Independence ()
- 20 2. Free Association with the United States of America ()
- 21 3. Statehood ()

22 Persons eligible to vote shall include those persons designated as Native Inhabitants of
23 Guam, as defined within this Chapter of the Guam Code Annotated, who are eighteen (18) years of
24 age or older on the date of the 'Political Status Plebiscite' and are registered voters on Guam.

25 The 'Political Status Plebiscite' mandated in Subsection (a) of this Section shall be held on a
26 date of the General Election at which seventy percent (70%) of eligible voters, pursuant to this
27 Chapter, have been registered as determined by the Guam Election Commission."

28 **Section 24. Department of Education Privatization Analyses.** Amendments to §3103(n) of
29 Chapter 3 of Division 2 of Title 17, Guam Code Annotated.

30 **(a)** §3103(n) of Chapter 3 of Division 2 of Title 17, Guam Code Annotated, as *added* by Public
31 Law 27-32, is hereby *amended* to read as follows:

32 **"§3103(n)** prepare feasibility/impact/cost savings analyses for the Guam Education Policy
33 Board, advising of the potential privatization of existing services of the Department of
34 Education, which analyses shall specifically include, but *not be limited to*:

- 35 (1) Detailed in-house and vendor cost data, which includes supplies, equipment,
36 maintenance, utilities, manpower, and all other relevant costs;

- 1 (2) A comparative analysis of current service versus privatized service;
- 2 (3) Identification of desired performance levels for services;
- 3 (4) Criteria for evaluating privatized services;
- 4 (5) Establishment of a strong contract oversight mechanism; and
- 5 (6) Comparative quality analysis and requirements that all food services will
- 6 meet nutritional values and quality standards of the United States
- 7 Department of Agriculture (USDA) and the United States Department of
- 8 Education (USDOE)."

9 (b) Section 6 of Public Law 27-32 is hereby *amended* to read as follows:

10 "Section 6. **Implementation.** The Board shall implement any and all feasible plans for

11 privatization."

12 **Section 25. Nurse Overtime.** §6229.7(b) of Title 4, Guam Code Annotated, Chapter 6, Article

13 2, is hereby *amended* to read:

14 "(b) All work performed between the hours of 12:00 midnight on any Friday and 12:00 midnight

15 of the following Sunday night shall be compensated at the rate of one and one-half (1½) times the

16 nurse's and the other healthcare professional's regular straight time rate."

17 **Section 26. Garnishment of Income Tax Refunds for Tuition Default.** A new §16135 is

18 hereby *added* to Chapter 16, Title 17, Guam Code Annotated, to read:

19 "§16135. **Garnishment of Income Tax Refunds in the event of a default on**

20 **payment of Tuition and Fees.** The University of Guam may, subject to the terms and conditions of

21 a *Memorandum of Understanding* with the Department of Revenue and Taxation, garnish the tax

22 refunds due to any former student who has defaulted on the payment of tuition and fees and for which

23 a judgment has been issued. Such garnishment shall *not exceed* the judgment amount."

24 **Section 27. Temporary or Detail Assignments.** Section 4117 of Article 1 of Chapter 4 of Title 4,

25 Guam Code Annotated, is hereby *amended* to read as follows:

26 "Section 4117. **Temporary Assignments.** No employee shall be temporarily assigned or

27 detailed to a position nor shall the employee assume the duties and responsibilities of a position other

28 than the one to which he has been appointed for a period in excess of ninety (90) days unless the

29 appointing authority obtains an exemption upon written application to the Civil Service Commission,

30 which exemption shall *not extend* beyond an additional ninety (90) days. No exemption shall be

31 granted to the ninety (90) day detail limitation except upon express approval by the Civil Service

32 Commission Board, and except that the Department of Education ('Department') is provided an

33 extended time period in the temporary assignment of school principals and assistant school principals

34 as follows: Department employees temporarily assigned to the position of school principal or

35 assistant school principal shall *not* assume the duties and responsibilities of a position other than the

36 one to which he or she has been appointed for a period in excess of three hundred sixty (360) days,

1 provided that there are no qualified applicants for those positions and unless the appointing authority
2 obtains an exemption upon written application to the Civil Service Commission, which exemption shall
3 *not* extend beyond an additional three hundred sixty (360) days. *No* exemption shall be granted to
4 the Department on the three hundred sixty (360) day limitation except upon approval by the Civil
5 Service Commission; provided, however, that no further temporary assignment to the same position
6 shall be allowed beyond a total period of seven hundred twenty (720) days, unless extraordinary
7 extenuating circumstances as found by the Civil Service Commission justify further temporary
8 assignment to such position. In any such temporary assignments, the assignee shall suffer no loss of
9 pay while so assigned. The Speaker of *I Liheslaturan Guåhan* shall be given a notice of all temporary
10 assignments within forty-eight (48) hours of such temporary assignment.”

11 **Section 28. Acting Appointments. (a) Subsection (k) of 4 GCA 2103.4 is hereby amended**
12 **to read:**

13 “(k) Acting appointment--the filling of a position by a person who has not been appointed to fill
14 the position on a permanent basis, or, in the case of positions requiring the advice and consent of *I*
15 *Liheslatura*, the situation where a person is filling the position in an acting capacity whose nomination
16 to fill the position permanently has been received by *I Liheslatura*, but has not been confirmed to the
17 position by *I Liheslatura*. Acting appointments include so-called ‘holdover’ positions on boards and
18 agencies, such as when the enabling legislation provides that an appointee shall serve until his or her
19 successor is appointed. In construing the time limits in this Chapter, all time as an acting appointee
20 shall be included together, even if such acting time was spent in an acting position pursuant to
21 different appointments or as a ‘holdover’. An acting appointment is effective only upon receipt by *I*
22 *Liheslatura* of notice of said appointment. Failure to comply with this Subsection shall render the
23 actions of a defective appointee null and void.”

24 **(b) Subsection (l) of 4 GCA 2103.4, is hereby amended to read:**

25 “(l) Acting capacity--the serving of a person in a position in an acting capacity or pursuant to
26 an acting appointment whose permanent nomination has been received by *I Liheslatura*. Violations
27 of this Subsection shall render the actions of a defective appointee null and void.”

28 **Section 29. Time Limits on Acting Capacity. 4 GCA §2103.9(d), is hereby amended to read:**

29 “(d) *No* person shall serve more than a total of ninety (90) days during any twelve (12) month period
30 in an acting capacity on any board or commission, which shall include a period in time during which
31 the position was held over. No person may be appointed to serve in an acting capacity on any board
32 or commission or in any other position requiring legislative advice and consent, unless that person
33 has been nominated by the appointing authority to serve in that position in a permanent capacity and
34 the nomination has been received by *I Liheslatura*. Violation of these acting time limits shall render
35 any action taken after the allowed time period by a person in an expired position as null and void.”

36 **Section 30. Acting Capacity. 4 GCA §2103.12, is hereby amended to read:**

1 **“§2103.12. Acting Capacity.** No person who shall be appointed to a position which
2 requires advice and consent of *I Liheslatura* may serve in an acting capacity as head or director of a
3 department, agency or instrumentality for a period in excess of ninety (90) days during any twelve
4 (12) month period pursuant to any authority whatsoever. Any employee so appointed shall have the
5 right to return to the position the employee held immediately before the appointment to serve in an
6 acting capacity after the ninety (90) day period is exhausted. The time limitation of this Section may
7 not be circumvented by an interruption in the appointment to an acting capacity or by transfer back to
8 the position the employee held immediately before the appointment for a period of less than thirty (30)
9 days or by a temporary transfer to any other position. Violation of these acting time limits shall render
10 any action taken after the allowed time period by a person in an expired position as null and void.”

11 **Section 31. Autonomous Agency Expenditures Reported to *I Liheslaturan Guåhan*.**
12 Notwithstanding any other provision of law, all autonomous and semi-autonomous agencies or public
13 corporations shall report all expenditures to *I Liheslaturan Guåhan* on a monthly basis showing expenditures
14 from all funds from October 2004 to September 2005.

15 **Section 32. (a) Holidays.** *I Liheslaturan Guåhan* finds that Public Law 26-157, which repealed
16 and re-enacted the provision on Government of Guam holidays, removed *I Maga’lahi’s* authority to declare a
17 holiday or to make any Presidential-declared holiday as a Guam holiday. While the intent of this public law is
18 to reduce cost to conserve the government’s limited financial resources, *I Liheslatura* would also like to
19 recognize the need to provide *I Maga’lahi* some form of flexibility in declaring a holiday for an occurrence
20 meriting such recognition to include those special-declared holidays by the U.S. President.

21 It is therefore the intent of *I Liheslaturan Guåhan* to restore this power granted to *I Maga’lahi* prior to
22 the enactment of Public Law 26-157.

23 **(b)** A new Subsection (c) is hereby *added* to Section 1000 of Title 1 of the Guam Code Annotated, as
24 *repealed* and *re-enacted*, to read as follows:

25 “(c) In addition to the holidays specified in Subsection (a) of this Section, *I Maga’lahen*
26 *Guåhan* may declare by Executive Order additional non-permanent holidays for special purposes. No
27 holiday declared by Executive Order shall be continued beyond the year in which the Executive Order
28 is issued.”

29 **Section 33. Prohibition on Public Funds Expenditure for Casino Gambling Study.** Except
30 for the Guam Election Commission, all government of Guam agencies, departments, bureaus, boards,
31 commissions, public corporations, autonomous and semi-autonomous agencies, including the A.B. Won Pat
32 International Airport Authority Guam, the Guam Telephone Authority, the Guam Power Authority, the Guam
33 Housing & Urban Renewal Authority, the Guam Housing Corporation, the Guam Economic Development and
34 Commerce Authority, the Guam Memorial Hospital Authority, the University of Guam, the Jose D. Leon
35 Guerrero Commercial Port, the Guam Community College, the Guam Waterworks Authority, the Government
36 of Guam Retirement Fund, and the Guam Visitors Bureau, all offices of the Executive, Legislative and Judicial

1 Branches, and other entities and instrumentalities of the government of Guam, are hereby prohibited from
2 expending public funds on any type of study, report or statement on any kinds of casino gambling *prior* to the
3 November 2004 General Election.

4 **Section 34. Enhanced Placement for Public Employees Displaced Due to Outsourcing.** A
5 new Article 6 is hereby *added* to Chapter 4, Title 4, Guam Code Annotated to read:

6 **“Article 6.** Enhanced Placement for Public Employees Displaced Due to Outsourcing.

7 **§4601. Eligibility.** Any classified employee of a government agency or department which is
8 undergoing a process of complete privatization, or of a program within a department or agency of the
9 government when such program is undergoing privatization, and who will be displaced from
10 government service as a result of such privatization, shall be eligible for enhanced placement.
11 Classified employees still under probation shall *not* be eligible for enhanced placement.

12 **§4602. Enhanced Placement.** Classified employees eligible for enhanced placement shall
13 be granted the right of first refusal for an opened and vacant government of Guam classified position
14 provided that such employee shall meet all qualifications for such position and further provided that
15 such position is vacant and has been opened for recruitment for *bona fide* reasons with an actual
16 intent to fill such position under the merit system. Enhanced placement is *not* available when a
17 classified position has been opened for the purpose of promotion only. When more than one (1)
18 person eligible for enhanced placement applies for a vacant and opened position subject to the
19 provisions of this Article, the process of selection between such persons eligible for enhanced
20 placement shall be competitive as would normally be the case under the provisions of the merit
21 system.

22 **§4603. Retention of Seniority.** Any employee hired pursuant to the provisions of enhanced
23 placement as defined in this Article shall retain such seniority as has accrued due to prior government
24 employment and shall be eligible to receive pay at a step equivalent to the number of years of service
25 such employee has accrued, provided that the employee shall be compensated in the same pay
26 grade as is normally associated with the employee’s new position.

27 **§4604. Period of Eligibility.** A classified employee eligible to participate in enhanced
28 placement, as detailed in this Article, shall acquire such eligibility upon the final approval of the
29 relevant privatization directly affecting such employee by *I Liheslaturan Guåhan* or in the absence of
30 a legislative approval process, upon the date upon which such instruments as shall mandate the
31 relevant privatization are enacted. Such eligibility shall remain in effect for a period of *no more than*
32 two (2) years.

33 **§4605. Establishment of List.** All persons eligible for enhanced placement shall register
34 with the Department of Administration. Persons eligible for enhanced placement shall register *no*
35 *later than* one hundred twenty (120) days after the date upon which they have acquired eligibility for
36 enhanced placement as detailed in Section 4604 of this Article. The Department of Administration

1 shall maintain, update and make such registry of eligible persons available to all personnel divisions
2 of all government of Guam instrumentalities on a monthly basis. A person is *not* eligible for referral to
3 an opened and vacant government of Guam classified position subject to the provisions of enhanced
4 placement as described in this Article, until such time as they have registered in accordance with the
5 provisions of this Section.”

6 **Section 35. Provision for Union Leader Release Time.** A new Section 5517 is hereby *added*
7 to Article 1 of Chapter 5 of Division 1 of Title 22, Guam Code Annotated, to read:

8 “§5117. (a) **Legislative Findings.** *I Liheslaturan Guåhan* finds that existing union contracts
9 with the Guam Community College and the University of Guam provide for release time for the
10 president of the union to address issues related to their collective bargaining unit. *I Liheslaturan*
11 *Guåhan* further finds that such release time can be leave without pay and that it is in the interests of
12 the public and the employees that such a policy of permitting release time be uniform throughout the
13 government of Guam.

14 (b) **Authorization for Release time.** Any government of Guam employee who is a President or
15 head of a union representing a recognized collective bargaining unit of the government of
16 Guam shall be provided release time for the purpose stipulated in this Section and shall have
17 their assigned work duties adjusted accordingly. This release time does *not* have to be paid
18 leave and shall be used to conduct union-related business, and to address issues important
19 to their respective collective bargaining units. The President/Union head may *not* use this
20 release time for union organizing efforts.”

21 **Section 36. Extension of UCC Article 9 Implementation Date.** (a) Section 2 of Public Law
22 27-40 is hereby *amended* to read as follows:

23 “Section 2. A new Section 5 is hereby *added* to Public Law 26-172 to read as follows:

24 ‘Section 5. The provisions of this Act shall be effective October 1, 2005, and shall
25 apply to transactions entered into and events occurring after October 1, 2005’.”

26 (b) Section 3 of Public Law 27-40 is hereby *amended* to read as follows:

27 “Section 3. A new Section 6 is hereby *added* to Public Law 26-172 to read as follows:

28 ‘Section 6. A fee schedule for the filing of financing statements, amendments,
29 continuations, statements, and releases shall be promulgated pursuant to the Administrative
30 Adjudication Law and filed with *I Liheslaturan Guåhan* thirty (30) days prior to October 1,
31 2005’.”

32 **Section 37. Filing Fee for Annual Audit Report.** 18 GCA §4304(g) is hereby *amended* to
33 read:

34 “(g) The filing fee for an annual report shall be One Hundred Dollars (\$100.00), with the
35 exception of nonprofit corporations. The filing fee for an annual report for nonprofit corporations shall
36 be Ten Dollars (\$10.00).”

1 **Section 38. Ancillary Benefit Account.** Subsection (b) of Section 8209 of Article 2 of Chapter
2 8 of Title 4, Guam Code Annotated, is hereby *amended* to read:

3 “(b) Furthermore, prior to the adoption of welfare benefit plans for pre-retirement disability and
4 survivor death benefits in Article 4 of this Title, each participating employer shall also make a
5 contribution to the Ancillary Benefit Account for the sole purpose of financing pre-retirement disability
6 insurance and survivor death insurance premiums, in an amount equal to a designated percentage of
7 such member’s base pay, the percentage to be determined on a quarterly basis by the Board within
8 its sole discretion, in an amount not to exceed two percent (2%) of each member's base pay.”

9 **Section 39. Employees on Active Duty.** A new Section 8209.2 is hereby *added* to Article 2 of
10 Chapter 8 of Title 4, Guam Code Annotated, to read:

11 “**Section 8209.2. Employees on Active Duty.** The government shall pay the employer’s
12 and member’s Government of Guam Defined Contribution Retirement System contributions, group
13 health insurance premiums, and group life insurance premiums for all officers and other employees of
14 the government of Guam who are on leave without pay and on active duty with the Guam National
15 Guard or the reserve components of any of the Armed Services of the United States. All agencies
16 and departments of the government of Guam shall fund, from their respective annual budgets, the
17 contributions for retirement, health insurance, and life insurance authorized by this Section. The
18 provisions of this Section shall be effective October 1, 2004.”

19 **Section 40. Amendment to Allow Annual Single Audit.** Section 30 of Chapter IV of Public
20 Law 27-29 is hereby *amended* to read:

21 “**Section 30. Appropriation for Government of Guam Annual Single-Audit.** The sum of
22 Three Hundred Thousand Dollars (**\$300,000**) is hereby appropriated from the General Fund to the
23 Department of Administration for the *sole* purpose of outsourcing the government of Guam annual
24 single financial audit for Fiscal Year 2003. The Office of the Public Auditor shall be responsible for
25 the administration of such funds and shall maintain oversight of the conduct of the annual audit.
26 Provided that the contract for the annual single financial audit is procured pursuant to 2 GAR Section
27 2112 and other applicable provisions of the procurement law and regulations, the contract shall *not*
28 be considered a contract for personal services that might otherwise be prohibited by Section 13,
29 Chapter V of this Act. (Public Law 27-29).”

30 **Section 41. DOE Privatization Cafeteria Requirement.** A new Subsection (d) is hereby
31 *added* to §3112(a)(16) of Chapter 3, Division 2 of Title 17, Guam Code Annotated, to read:

32 “(d) For all Department of Education privatized food services, cafeterias, or cafeteria
33 services, contractors operating DOE cafeterias and food services shall comply with 5GCA 5001(e)
34 and Chapter 68 of Title 5, Guam Code Annotated, relative to the procurement of local products, in
35 place and stead of the Department of Education. The Department of Education shall require

1 compliance with these provisions as part of its contracts for privatization subsequent to the enactment
2 of this Subsection.”

3 **Section 42. Dual Employment Prohibited.** 4 GCA Section 6504.1 is hereby *amended* to
4 read:

5 “§6504.1. (a) No Officer or employee of the government of Guam may be employed on a
6 full-time, part-time or contractual basis or hold an appointment to more than one (1) position in the
7 classified or unclassified service in any department or agency or by more than one (1) department,
8 agency or branch of the government of Guam at any time, except for:

9 (1) persons serving as part-time teachers, part-time school health counselors and
10 University of Guam instructors for the Guam Community College, and instructors for the
11 University of Guam who may be employed during the summer and at any other time not in
12 conflict with their primary employment if they are employed elsewhere in the government of
13 Guam as their primary employer;

14 (2) persons employed by the Youth Congress;

15 (3) persons employed on a part-time basis by boards or commissions;

16 (4) persons employed as nurses, physicians, and as ancillary/allied health
17 professionals in the government of Guam;

18 (5) attorneys engaging in the active practice of law, or part-time judges or part-time
19 court referees;

20 (6) persons employed on a part-time or contractual basis who are individual and
21 family counselors or chemical dependency specialists; or

22 (7) any employee of the government of Guam whose primary employment is not in
23 any of the agencies or professions listed in items (1), (2), (3), (4), (5) and (6) herein, but has
24 training and experience to qualify to be employed in the professions listed in items (1), (2),
25 (3), (4), (5) and (6) herein, may be employed in secondary jobs in such professions within the
26 government of Guam; provided, that such secondary job is not in conflict with that person's
27 primary job and there are no other qualified applicants not within the employ of the
28 government of Guam.

29 (b) Effective upon confirmation, *no* official who occupies a position requiring the consent of /
30 *Liheslatura*, may be paid salary for or fill a classified position. Certifying officers shall *not* certify funds
31 for the classified position in contravention of this Section and shall be liable under 4 GCA Chapter
32 14.”

33 **Section 43. Transfer of DOE Employees.** A new item (o) is hereby *added* to Section 3103 of
34 Title 17, Guam Code Annotated, to read:

1 “(o) Notwithstanding any other provision of law or personnel rules and regulations, the
2 Superintendent shall have the authority to assign, detail or transfer employees to various physical
3 locations within the Department of Education except that:

4 (1) The transfer of any employee shall *not* result in a loss of pay or salary;

5 (2) The transfer of any employees shall *not* occur if the employee has filed a
6 legitimate grievance with the Civil Service Commission for discrimination based
7 on political affiliation, gender, or sexual harassment, unless the said transfer is
8 agreed to by the employee;

9 (3) The Superintendent shall submit to the Speaker of *I Liheslaturan Guåhan* and
10 the Director of the Civil Service Commission notification of said transfer;

11 (4) The employee shall be provided written notice thirty (30) days *prior* to the
12 beginning of the pay period in which the employee is to be transferred, unless
13 the notice period is voluntarily waived by the employee; and

14 (5) This Section shall *not* be used to transfer employees acting in the best interest of
15 the Department in reporting or exposing bad business practices or illegal
16 activities.”

17 **Section 44. Garnishment of Income Tax Refunds for DOE Tuition Default.** A new §3215.1
18 is hereby *added* to Chapter 9, Title 17, of the Guam Code Annotated, to read:

19 “**§3215.1. Garnishment of Income Tax Refunds in the event of a default on**
20 **payment of Tuition and Fees.** The Department of Education may, subject to the terms and
21 conditions of a *Memorandum of Understanding* with the Department of Revenue and Taxation,
22 garnish the tax refunds due to any former or current employee who has defaulted on the payment of
23 tuition and fees for in-services training and for which a judgment has been issued. Such garnishment
24 shall *not exceed* the judgment amount.”

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CHAPTER VII.

ADMINISTRATIVE PROVISIONS.

Section 1. Reversion to the General Fund, Tourist Attraction Fund, Healthy Futures Fund, and Safe Homes, Safe Streets Fund; Use of Lapses. Notwithstanding any other provision of law, *unless* otherwise specified in this Act or subsequent legislation:

(a) General Fund Reversion. All unexpended or unencumbered appropriations made from the General Fund pursuant to this Act, *unless* otherwise provided for Fiscal Year 2005, shall *revert* to the General Fund on the last day of that fiscal year;

(b) Tourist Attraction Fund Reversion. All unexpended or unencumbered appropriations made from the Tourist Attraction Fund pursuant to this Act, *unless* otherwise provided for Fiscal Year 2005, shall *revert* to the Tourist Attraction Fund on the last day of that fiscal year;

(c) Healthy Futures Fund Reversion. All unexpended or unencumbered appropriations made from the Healthy Futures Fund pursuant to this Act, *unless* otherwise provided for Fiscal Year 2005, shall *revert* to the Healthy Futures Fund on the last day of that fiscal year. All entities of the government of Guam receiving appropriations from the Healthy Futures Fund shall submit a report to the Speaker of *I Liheslaturan Guåhan* and the Public Auditor on the fifth (5th) day of every month as to the receipts and expenditures of these funds; and

(d) Safe Homes, Safe Streets Fund Reversion. All unexpended or unencumbered appropriations made from the Safe Homes, Safe Streets Fund pursuant to this Act, *unless* otherwise provided for Fiscal Year 2005, shall *revert* to the Safe Homes, Safe Streets Fund on the last day of that fiscal year. All entities of the government of Guam receiving appropriations from the Safe Homes, Safe Streets Fund shall submit a report to the Speaker of *I Liheslaturan Guåhan* and the Public Auditor on the fifth (5th) day of every month as to the receipts and expenditures of these funds. Such report shall include detailed information on the amount of such transfers and the agency expending such funds.

(e) *Unless* otherwise provided for in this Act, lapses in Fiscal Year 2004 and all other *prior* years appropriations to the Executive Branch from the General Fund shall *not* revert to the General Fund, but shall be identified by *I Maga'lahaen Guåhan* and reported to the Speaker of *I Liheslaturan Guåhan* within forty-five (45) days of the close of Fiscal Year 2004, identifying the source and amount of the lapse. Use of these lapses shall be subject to further appropriation by *I Liheslatura*. Any request for appropriation of said lapses shall be submitted by *I Maga'lahi* to *I Liheslaturan Guåhan*.

Section 2. Carryover of Local and Federal Matching Program Funds for Grants. The Local and Federal Matching Funds for programs whose expiration dates extend *beyond* September 30, 2005, are hereby authorized to be carried over and expended through the period of the grant award.

Section 3. Federal Reimbursements into General Fund/Special Fund. *Except* as provided by the provisions of §5104(38) of Title 12 of the Guam Code Annotated, *if* Guam expends any funds, which

1 are reimbursed by the Federal government, the reimbursed funds shall *revert* back to the funding source from
2 which it was expended.

3 **Section 4. Authorization for Matching Requirements for Federal Grants-In-Aid.**

4 Notwithstanding any other provision of law, departments are authorized to expend funds appropriated in this
5 Act for matching requirements of Federal grants.

6 **Section 5. I Maga'lahaen Guåhan Transfer Authority.** *Except* as otherwise provided in this

7 Act, *I Maga'lahaen Guåhan* is hereby authorized to transfer *not more than* ten percent (10%) of funds
8 appropriated to the Executive Branch by this Act within an agency, or between agencies of the Executive
9 Branch. *No* transfer shall occur from Operations into the Personnel Services category in Appendix A. This
10 transfer authority shall *not* be applicable to funds allocated to the Unified Judiciary of Guam, *I Liheslaturan*
11 *Guåhan*, the University of Guam, the Guam Community College, the Office of the Attorney General, the Office
12 of the Public Auditor, the Guam Police Department, the Guam Memorial Hospital, the Mayors Council of
13 Guam, the Pacific Islands Development Bank, the Department of Education, and Federal funds.

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

18 **Section 6. Transfer Authorization for Public Welfare Benefit Programs.** The Director of

19 the Department of Public Health and Social Services is hereby granted the authority to transfer funds
20 amongst Public Welfare Benefit Programs administered by the Department, to include, but *not be limited to*,
21 the Medically Indigent Program and Medicaid. Such authority shall also be applicable from the Personnel
22 Services Category to Public Welfare Benefit Programs.

23 **Section 7. Department of Education Transfer Authority.**

24 Notwithstanding any other provision of law, rule, or regulation, the Superintendent of Education, in
25 consultation with the Guam Education Policy Board, is hereby granted the authority to transfer funds within
26 the Department; *no* transfer shall occur from Operations to Personnel Services categories, and funds
27 budgeted to pay teachers and classroom instructional personnel are *not* subject to transfer.

28 Upon the enactment of this Act, on the fifteenth (15th) day of each month, the Superintendent of
29 Education shall provide a detailed report to the Speaker of *I Liheslaturan Guåhan* on the transfers pursuant to
30 this Section.

31 **Section 8. Unified Judiciary of Guam Lapsed Funds Carryover.**

32 **(a) Unified Judiciary.** Lapses in the Judicial Branch of Guam Fiscal Year 2004 appropriations
33 shall *not* revert back to the General Fund, but shall be carried over into Fiscal Year 2005, and shall be subject
34 to further legislative appropriation.

1 **(b) Report.** The Chief Justice and Chairman of the Judicial Council shall, *no later than* thirty (30)
2 days following the enactment hereof, submit to the Speaker of *I Liheslaturan Guåhan* a full disclosure of all
3 Fiscal Year 2004 lapsed funds identified by the Unified Judiciary.

4 **Section 9. Exemption from BBMR Allotment Release Control.** The provisions of 5 GCA
5 §1303 shall *not* be applicable to the Mayors Council of Guam, *I Liheslaturan Guåhan*, the Office of the Public
6 Auditor, the Office of Finance and Budget, the Office of the Attorney General, the Department of Education,
7 and the Judicial Branch. Said entities may draw against their respective appropriations in order to meet their
8 respective obligations as the need arises, in accordance with a drawdown schedule such entities shall submit
9 to the Department of Administration.

10 **Section 10. Compact Impact Funds.**

11 **(a) Legislative Findings:** This Act hereby incorporates by reference and reiterates the findings
12 made in Public Law 27-92 concerning the need to fund the following:

- | | | | |
|----|-----|---|-----------------|
| 13 | (1) | construction of public schools and | |
| 14 | | collateral equipment | \$88,000,000.00 |
| 15 | | <i>[(a) two (2) high schools not to exceed \$56,000,000.00; (b) one</i> | |
| 16 | | <i>(1) middle school not to exceed \$16,000,000.00; and (c) two (2)</i> | |
| 17 | | <i>elementary schools not to exceed \$16,000,000.00]</i> | |
| 18 | (2) | repairs and refurbishments | \$10,000,000.00 |
| 19 | | <i>[payments for the repairs and refurbishments of existing public</i> | |
| 20 | | <i>schools.]</i> | |
| 21 | (3) | upgrade of DOC ACF | \$5,000,000.00 |
| 22 | | <i>[construction of a new eighty-five (85) bed facility and upgrades</i> | |
| 23 | | <i>required to meet the United States Department of Justice</i> | |
| 24 | | <i>mandates towards resolution of the Consent Decree.]</i> | |
| 25 | (4) | replacement of CT Scan System | \$1,000,000.00 |
| 26 | | <i>[as established in the Guam Memorial Hospital Authority Ten-</i> | |
| 27 | | <i>Year Capital Improvements Plan.]</i> | |
| 28 | (5) | redesign and expansion of the | |
| 29 | | emergency medical department | \$3,000,000.00 |
| 30 | | <i>[as established in the Guam Memorial Hospital Authority Ten-Year Capital</i> | |
| 31 | | <i>Improvements Plan.]</i> | |
| 32 | (6) | establishment of an endoscopy suite | \$500,000.00 |
| 33 | | <i>[as established in the Guam Memorial Hospital Authority Ten-</i> | |
| 34 | | <i>Year Capital Improvements Plan.]</i> | |
| 35 | (7) | expansion or construction of health clinics | \$2,000,000.00 |
| 36 | | <i>[Department of Public Health and Social Services' regional</i> | |

1 *community health clinics.]*

2 *I Liheslaturan Guåhan* continues to prioritize these essential government services and therefore, it is
3 the intent of *I Liheslatura* to authorize the Guam Economic Development and Commerce Authority (“GEDCA”)
4 to issue and receive the Request for Proposals (“RFP”) for the Compact Impact Grant Anticipation Bonds.

5 **(b) Amendment to Subsection (2)(a) of §221402 of Article 14 of Chapter 22, Division 2, Title**
6 **5 of the Guam Code Annotated.** Subsection (2)(a) of §221402 of Article 14, Chapter 22, Division 2, Title 5,
7 Guam Code Annotated, is hereby *amended* to read as follows:

8 “(2)(a) The power to fix the date of sale of the Compact Impact Grant Anticipation Bonds, to
9 award and sell the Compact Impact Grant Anticipation Bonds, to fix interest rates, and to take all
10 other action necessary to sell and deliver the bonds shall be delegated by *I Maga’lahi* to GEDCA.”

11 **(c) Amendment to Subsection (2)(b) of §221402 of Article 14 of Chapter 22, Division 2, Title**
12 **5 of the Guam Code Annotated.** Subsection (2)(b) of §221402 of Article 14, Chapter 22, Division 2, Title 5,
13 Guam Code Annotated, is hereby *amended* to read as follows:

14 “(b)(i) GEDCA shall issue the Request for Proposals for the Compact Impact Grant
15 Anticipation Bonds, within fifteen (15) days after the enactment of this Subsection, based on the
16 following terms and conditions:

17 The terms and conditions of the bonds shall be as determined by GEDCA by the
18 execution of a certificate, or indenture authorizing the issuance of the bonds upon, or
19 *prior* to the issuance of the bonds; provided, however, that such terms and conditions
20 shall be consistent with this Article, and that the bonds shall mature *not later than* the
21 year 2024, and shall bear interest at such rates and be sold for such price or prices,
22 as shall result in a yield to the bondholders not exceeding seven percent (7%) per
23 annum.

24 (b)(ii) GEDCA shall be authorized to receive bids or proposals on the Compact
25 Impact Grant Anticipation Bonds.”

26 **(d)** *I Maga’lahen Guåhan* shall transfer the sum of Three Million Three Hundred Thousand
27 Dollars **(\$3,300,000.00)** to the Guam Memorial Hospital for funding of the hospitalist program, house call
28 doctors, pharmaceutical and medical supplies from Compact Impact funds for Fiscal Year 2005.

29 **Section 11. Severability.** *If* any provision of this Act or its application to any person or
30 circumstances is held invalid, the invalidity shall *not* affect other provisions or applications of this Act which
31 can be given effect without the invalid provision or application, and to this end the provisions of this Act are
32 severable.