

I MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN
2005 (FIRST) Regular Session

Bill No. 114 (EC)

As amended in the
Committee of the Whole.

Introduced by:

Committee on Calendar

by request of *I Maga'lahen Guåhan*,
the Governor of Guam, in accordance
with the Organic Act of Guam, as amended

**AN ACT MAKING APPROPRIATIONS FOR THE OPERATIONS
OF THE EXECUTIVE BRANCH OF THE GOVERNMENT OF
GUAM FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2006
AND MAKING OTHER APPROPRIATIONS, AND
ESTABLISHING MISCELLANEOUS ADMINISTRATIVE
PROVISIONS.**

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

2 **CHAPTER I.**

3 **GENERAL PROVISIONS.**

4 **Section 1. Short Title.** This Act shall be known as the “*General*
5 *Appropriations Act of Fiscal Year 2006*”. Except as otherwise provided by this Act,
6 the appropriations made herein shall be available to pay for obligations incurred on or
7 after October 1, 2005, *but no later* than September 30, 2006 for Fiscal Year 2006. In
8 the event that any appropriation of this Act is found contrary to Federal law, all portions
9 not so found shall remain valid.

10 **Section 2. Estimated Revenues for Fiscal Year 2006.** *I Liheslaturan*
11 *Guåhan*, the Guam Legislature, adopts the following revenue estimate for Fiscal Year
12 2006, which shall be utilized for appropriations contained in this act.

13 **I. GENERAL FUND REVENUES**

1	A. TAXES	
2	Income Tax	
3	Corporate	\$48,434,332
4	Individual	\$41,425,453
5		
6	Withholding Taxes, Interest	
7	and Penalties	\$192,324,954
8		
9	Provision for Tax Refund	(\$72,000,000)
10		
11	TOTAL INCOME TAXES	\$210,184,739
12		
13	Gross Receipts Tax	\$168,114,291
14		
15	Other Taxes	\$2,170,590
16		
17	TOTAL TAXES	\$380,469,620
18		
19	B. FEDERAL SOURCES	
20	Federal Income Tax Collection	
21	(Section 30 Funds), Immigration	
22	Fees and Indirect Cost	\$51,055,201
23		
24	C. USE OF MONEY AND PROPERTY	\$129,510
25	D. LICENSES, FEES, AND PERMITS	\$1,382,588
26	E. DEPARTMENT CHARGES	\$2,055,979

1	F. TOTAL GENERAL FUND REVENUE	\$435,092,898
2		
3	II. SPECIAL FUND REVENUES	
4	A. Air Pollution Control Special Fund	\$214,129
5		
6	B. Chamorro Land Trust Operations Fund	\$492,266
7	C. Corrections Revolving Fund	\$1,304,907
8		
9	D. Customs, Agriculture and Quarantine Inspection Services Fund	\$7,760,418
10	E. Enhanced 911 Emergency System Reporting Fund	\$2,082,787
11		
12		
13	F. Environmental Health Fund	\$233,872
14	G. Guam Board of Accountancy Fund	\$455,224
15		
16	H. Guam Contractors License Board Fund	\$334,901
17		
18	I. Guam Environmental Trust Fund	\$141,476
19		
20	J. Guam Highway Fund	\$14,345,779
21	K. Guam Plant Inspection and Permit Fund	\$40,000
22	L. Guam Telephone Authority Privatization Proceeds Fund	\$2,246,947
23		
24		

1	M.	Healthy Futures Fund	\$10,665,466
2			
3	N.	Judicial Building Fund	\$20,000
4	O.	Land Survey Revolving Fund	\$950,000
5			
6	P.	Police Services Fund	\$339,116
7			
8	Q.	Professional Engineers, Architects	
9		and Land Surveyors Board Fund	\$201,825
10			
11	R.	Public Recreation Services Fund	\$154,717
12			
13	S.	Safe Streets Fund	\$196,000
14			
15	T.	School Lunch/SAE/Child Nutritional Meal	
16		Reimbursement Fund	\$5,500,000
17			
18			
19	U.	Solid Waste Operations Fund (Tipping Fee)	\$5,822,582
20			
21	V.	Street Light Fund	\$3,912,927
22			
23	W.	Territorial Education Facilities Fund	\$19,318,360
24			
25	X.	Tourist Attraction Fund	\$22,990,000
26	Y.	Water Protection Fund	\$52,340
27			

1	Z.	Water Research & Development Fund	\$61,054
2		TOTAL SPECIAL FUND REVENUE	\$99,837,093
3			
4	III.	FEDERAL MATCHING GRANTS-IN-AID REVENUES	
5	A.	Agriculture	\$517,800
6			
7	B.	Guam Council on the Arts and	
8		Humanities Agency	\$240,000
9			
10	C.	Guam Election Commission	\$1,000,000
11			
12	D.	Guam Environmental Protection	
13		Agency	\$181,221
14			
15	E.	Integrated Services for Individuals	
16		with Disabilities	\$1,942,602
17			
18	F.	Judiciary of Guam	\$463,657
19			
20	G.	Labor	\$33,500
21			
22	H.	Law	\$4,205,679
23			
24	I.	Military Affairs	\$568,092
25			
26	J.	Public Health and Social Services	\$18,014,395
27			

1	K. University of Guam	\$1,508,000
2		
3	L. Youth Affairs	\$305,600
4		
5	TOTAL FEDERAL MATCHING	
6	GRANTS-IN-AID REVENUE	\$28,980,546
7		
8	REVENUE SUMMARY:	
9	TOTAL GENERAL FUND REVENUE	\$435,092,898
10		
11	TOTAL SPECIAL FUND REVENUE	\$99,837,093
12		
13	TOTAL FEDERAL MATCHING	
14	GRANTS-IN-AID REVENUE	\$28,980,546
15		
16	GRAND TOTAL	\$563,910,537

1 **Section 3. Debt Service Continuing Appropriations.** The following are
2 continuing appropriations for debt service requirements:

3 A. GENERAL OBLIGATION

4 BONDS 1993 SERIES A

5 *(For education capital projects; Real*
6 *Property Taxes pledged; due FY 2018*
7 *as final year; P.L. 22-19 and P.L. 22-24,*
8 *net of UOG Bond Payment Obligation \$2,027,302)*

9 **Territorial Education Facilities Fund** **\$10,610,318**

10
11 B. GENERAL OBLIGATION BONDS 1995 SERIES

12 A

13 *(For tax refunds, supplemental Retirement and*
14 *vendor payments; P.L. No. 23-14; due FY 2006*
15 *as final year)*

16 **Territorial Education Facilities Fund** **\$2,210,100**

17 C. LIMITED OBLIGATION HIGHWAY
18 REFUNDING BONDS 2001 SERIES A (P.L.

19 *NO. 24-70; due FY 2012 as the final year; source*
20 *of payment from Liquid Fuel Taxes)*

21 **Guam Highway Fund** **\$6,029,294**

22 D. LIMITED OBLIGATION (SECTION 30)

23 BONDS, 2001 SERIES A

24 *(Water System Revenue Bond;*
25 *P.L. No. 26-58, amended by P.L. No.*

1	<i>25-59; Section 30 funds pledged; due FY 2012 as</i>	
2	<i>final year)</i>	
3	Section 30 Funds	\$9,826,287
4	E. 2002 SHORT TERM FINANCING	
5	<i>(Line of Credit; P.L. 26-84 amended by P.L. 26-</i>	
6	<i>122 and P.L. 26-130; due</i>	
7	<i>FY 2012 as the Final Year; source of payment</i>	
8	<i>Section 30 Funds)</i>	\$ 1,281,819
9	F. LIMITED OBLIGATION	
10	INFRASTRUCTURE IMPROVEMENT	
11	BONDS, 1997 SERIES A	
12	<i>(Tumon Redevelopment; payment from</i>	
13	<i>the Tourist Attraction Fund, pursuant to</i>	
14	<i>P.L. 24-111)</i>	
15	Tourist Attraction Fund	\$ 7,279,888
	TOTAL DEBT SERVICE	\$37,237,706

1 three point two percent (83.2%) of the prior month's collections for withholding
2 taxes, interest and penalties. The Director of Administration shall, on the first
3 (1st) day of each month, transfer to the Guam Public School System all funds held
4 in the Guam Public School System Operations Fund, *except* that for the first (1st)
5 month of Fiscal Year 2006, on October 15, 2005, the Director of Administration
6 shall transfer all funds contained in the Guam Public School System Operations
7 Fund to the Guam Public School System. Nothing herein shall be construed as
8 preventing *I Liheslaturan Guåhan* from making additional appropriations to the
9 Guam Public School System. *I Maga'lahren Guåhan's* transfer authority shall *not*
10 apply to this or any other appropriation to the Guam Public School System,
11 *except* that *I Maga'lahren Guåhan* may transfer funds into the Guam Public
12 School System to the extent permitted by law.

13 **§52102. Appropriation to the Guam Public School System Operations**
14 **Fund.** The contents of the Guam Public School System Operations Fund are
15 appropriated to the Guam Public School System for the operations of the Guam
16 Public School System and for purposes directly associated with its operation, for
17 the implementation of the compensation study provided for in P.L. 28-36 and
18 P.L. 28-49, provided that the GPSS shall seek further appropriation from *I*
19 *Liheslaturan Guåhan* for implementation, if needed, said implementation to be
20 effective for School Year 2006-2007, and for improvement of the Guam Public
21 School System, inclusive of capital improvements, as may be found necessary by
22 the Superintendent of Education. This appropriation is continuous, and
23 contingent on the annual submission of a detailed budget, in accordance with
24 Chapter 3 of Title 17 of the Guam Code Annotated, to *I Liheslaturan Guåhan*,
25 notwithstanding any other provision of law. Nothing herein shall prohibit *I*
26 *Liheslaturan Guåhan* from appropriating supplemental amounts to the Guam
27 Public School System. All appropriations to the Guam Public School System are

1 not subject to the allotment process administered by the Bureau of Budget and
2 Management Research (BBMR), nor to any budget reserve administered by
3 BBMR. The Superintendent of Education and the Director of Administration
4 shall submit a detailed quarterly report to *I Liheslaturan Guåhan* on the receipt
5 and expenditure of said funds *no later than* thirty (30) days after the close of each
6 quarter and post the same on the GPSS website.”

7 **Section 2. Guam Public School System (GPSS) Various Operational**
8 **Requirements for FY 2006.** The following appropriations for specific expenditure
9 items totaling Three Hundred Seven Thousand Four Hundred Dollars (**\$307,400**) are
10 made to the Guam Public School System for Fiscal Year 2006:

11 (1) The sum of One Hundred Six Thousand Dollars (**\$106,000**) is
12 appropriated from the Territorial Education Facilities Fund to the Guam Public
13 School System to fund rodent control and insect treatment in schools.

14 (2) The sum of One Hundred Twenty Six Thousand Four Hundred
15 Dollars (**\$126,400**) is appropriated from the Territorial Education Facilities Fund
16 to the Guam Public School System for security services in schools.

17 (3) The sum of Seventy Five Thousand Dollars (**\$75,000**) is
18 appropriated from the Territorial Education Facilities Fund to the Guam Public
19 School System for the Financial, Student and Administrative Information
20 System.

21 **Section 3. Interscholastic Sports Program.** For Fiscal Year 2006, the sum
22 of Five Hundred Nine Thousand Two Hundred Forty-six Dollars (**\$509,246**) is
23 appropriated from the Healthy Futures Fund to the Interscholastic Sports Fund within
24 the Guam Public School System to fund Interscholastic Sports Programs. Expenditure
25 of these funds will be in accordance with Title 17 GCA §7108.

1 The Superintendent of Education shall submit a detailed quarterly report to *I*
2 *Liheslaturan Guåhan* on the receipt and expenditure of said funds *no later than* thirty
3 (30) days after the close of each quarter and post the same on the GPSS website.

4 **Section 4. Health/ Physical Education Program and Activities.** For Fiscal
5 Year 2006, the sum of Three Hundred Twenty Four Thousand Four Hundred Sixteen
6 Dollars (**\$324,416**) is appropriated from the Healthy Futures Fund to the Guam Public
7 School System for Health/Physical Education programs, intramural sports, and similar
8 activities.

9 The Superintendent of Education shall submit a detailed quarterly report to *I*
10 *Liheslaturan Guåhan* on the receipt and expenditure of said funds *no later than* thirty
11 (30) days after the close of each quarter and post the same on the GPSS website.

12 **Section 5. *Y Kuantan Salappe' Prinsepat (Principal's Fund).***

13 (a) The sum of Five Hundred Fifty Five Thousand Dollars (**\$555,000**)
14 is hereby appropriated from the General Fund to the Guam Public School System for
15 the Principal's Fund for Fiscal Year 2006. The amount appropriated herein shall be
16 allocated per student to each school, based on the student population of each school at
17 the end of the prior school year; provided that no school shall receive less than Five
18 Thousand Dollars (**\$5,000**).

19 The Superintendent of Education shall submit a detailed quarterly report to *I*
20 *Liheslaturan Guåhan* on the receipt and expenditure of said funds *no later than* thirty
21 (30) days after the close of each quarter and post the same on the GPSS website.

22 (b) The authorization to expend any unreleased and unexpended
23 appropriations pursuant to Section 5 of Public Law 27-107 shall be continued for Fiscal
24 Year 2006.

25 **Section 6. Non-Personnel Operating Expenses.** Up to Five Million Five
26 Hundred Thousand Dollars (**\$5,500,000**) is appropriated from the School
27 Lunch/SAE/Child Nutritional Meal Reimbursement Fund to the Guam Public School

1 System for non-personnel operating expenses incurred in accordance with established
2 guidelines for said programs.

3 The Superintendent of Education shall submit a detailed quarterly report to *I*
4 *Liheslaturan Guåhan* on the receipt and expenditure of said funds *no later than* thirty
5 (30) days after the close of each quarter and post the same on the GPSS website.

6 **Section 7. Appropriation to the GPSS for Summer School.**

7 (a) For Fiscal Year 2006, there is hereby appropriated such sums as are
8 necessary from the Summer School Fund established pursuant to §6119 of Article 1, of
9 Chapter 6 of Division 1 of Title 17, Guam Code Annotated, to the Guam Public School
10 System to fund the operations of the 2006 Summer School Program.

11 (b) The Superintendent of Education shall submit a detailed report to
12 *I Liheslaturan Guåhan* on the receipt and expenditure of said funds *no later than* thirty
13 (30) days after the close of summer school and post the same on the GPSS website.
14 Such report shall include the following:

- 15 (i) total revenues received, including identification of each revenue
16 source;
- 17 (ii) total expenditures and encumbrance by object classification and by
18 school; and
- 19 (iii) the fund balance.

20 **Section 8. Appropriation for Textbooks.** The following are appropriations to
21 the Guam Public School System for the purchase of textbooks, e-book readers and
22 collateral materials in accordance with the conditions and terms expressed in the
23 following Subsections:

24 (a) **Fiscal Year 2006.** For Fiscal Year 2006, the sum of Three Million
25 Five Hundred Thousand Dollars (**\$3,500,000**) is appropriated from the General Fund
26 from Fiscal Year 2007 revenues to the Guam Public School System (GPSS) for the
27 purchase of textbooks, e-book readers and collateral classroom instructional materials.

1 GPSS may, *if necessary*, in agreements with textbook vendors, defer payment until *after*
2 October 1, 2006, but *not later than* December 31, 2006, with the full faith and credit of
3 the government of Guam.

4 (b) GPSS shall order all textbooks, e-book readers and collateral
5 classroom instructional materials funded by this Section *no later than* March 1, 2006
6 for Fiscal Year 2007, and the Bureau of Budget and Management Research shall release
7 such allotments as are required to ensure such textbooks, e-book readers and collateral
8 classroom instructional materials are ordered by this deadline. All textbooks and
9 collateral classroom instructional materials shall be received and distributed to schools
10 *no later than* thirty (30) days prior to the start of the Guam Educational Policy Board's
11 adopted school calendar. All funds appropriated for textbooks, e-book readers and
12 collateral classroom instructional materials shall *not* be used for any other purpose.

13 (c) For Fiscal Year 2006, on the first (1st) day of each quarter, the
14 Superintendent of Education shall provide a detailed report to *I Liheslaturan Guåhan* on
15 all receipts and expenditures for textbooks, e-book readers and collateral classroom
16 instructional materials purchased with these funds. The report shall be accompanied by
17 the certified list of textbooks approved by the Guam Education Policy Board and all
18 purchase orders issued. The report shall be posted on the GPSS website. The report
19 shall include summaries reflecting the following information:

- 20 (i) purchases by allotment account number, unit cost and total cost of
21 books charged against appropriation account, vendor, quantity, title,
22 copyright date and ISBN number of books ordered, and allocation of
23 such books by school and grade;
- 24 (ii) the number of textbooks and e-book readers lost and/or damaged,
25 the amount of collections for such lost or damaged items and the
26 amount of receivables due for such lost or damaged items; and

1 (iii) other information that may be useful, or requested by *I Liheslaturan*
2 *Guåhan*, regarding the accountability of funds appropriated for such
3 purposes.

4 Non-compliance with reporting requirements by the Superintendent of Education shall
5 result in sanctions/penalties imposed pursuant to this Act.

6 **Section 9. Liberation Day Carnival Repeal and Reenactment.** Section
7 1013.1(c) of Chapter 10 of Title 10 of the Guam Code Annotated, is *repealed* and
8 *reenacted* to read:

9 **“§1013.1. Liberation Day Carnival.**

10 (c) The net proceeds from the Liberation Day Carnival shall be divided in
11 the following manner:

12 (1) The sponsoring organization shall be entitled to retain fifty percent
13 (50%) of the net proceeds and may convey any interest or portion thereof to any
14 charitable organization; and

15 (2) Fifty percent (50%) of the net proceeds shall be deposited into the
16 ‘Public School Library Resources Fund’ and used *solely* for the purchase of public
17 school library resources.

18 The sponsoring organization shall be subjected to an audit by the
19 Public Auditor in calculating the net proceeds.”

20 **Section 10. Continuation of a Portion of the Tax Collection Enhancement**
21 **Fund Revenue Proceeds towards the Public School Library Resources Fund.** Title
22 11 GCA §1111 is hereby *amended* to read:

23
24 **“§1111. Creation of Tax Collection Enhancement Fund: No**
25 **Commingling.** There is hereby created, separate and apart from other funds of the
26 government of Guam, a reserve fund known as the ‘Tax Collection Enhancement Fund
27 (the ‘Fund’)’. The Fund shall *not* be commingled with any other fund of the

1 government of Guam. Expenditures from the Fund shall be pursuant to 11 GCA
2 §1107(e).”

3 **Section 11. Creation of Every Child is Entitled to an Adequate Public**
4 **Education Act Fund.** A new §7115 is *added* to Chapter 7 of Title 17 of the Guam
5 Code Annotated to read:

6 **“§7115. Every Child is Entitled to an Adequate Public Education**
7 **Fund.** There is hereby created, separate and apart from other funds of the
8 government of Guam, a fund known as the ‘Every Child is Entitled to an
9 Adequate Public Education Fund (‘Fund’).’ The Fund shall *not* be commingled
10 with any other fund, and shall be kept in a separate bank account and
11 administered by the Superintendent of Education in accordance with policies
12 adopted by the Education Policy Board which shall require that all checks issued
13 from the Fund bear the signatures of at least two (2) employees. All monies
14 deposited into the Fund shall be expended by the Superintendent, in accordance
15 with the small purchase procedures set out at 5 GCA §5213, and regulations
16 enacted thereunder, in amounts up to Five Thousand Dollars (**\$5,000**) for
17 providing an Adequate Public Education as that term is defined at 1 GCA
18 §715.12 (f), (g), (h), (i) and (l). The Superintendent may appoint an advisory
19 committee to advise him on expenditures from the Fund.”

20 **Section 12. Gifts to the Every Child is Entitled to an Adequate Public**
21 **Education Act Fund.** A new §7116 is *added* to Chapter 7 of Title 17 of the Guam
22 Code Annotated to read:

23 **“§7116. Donations to the Fund.** The Treasurer of Guam is authorized to
24 accept monetary donations from any individual or organization which the
25 Treasurer shall deposit in the Every Child is Entitled to an Adequate Public
26 Education Fund and promptly report to the Superintendent of Education. The

1 provisions of 5 GCA, Article 11, **Ethics in Public Contracting** are applicable to
2 donors to the Fund.”

3 **Section 13. Transparency.** A new §7117 is *added* to Chapter 7 of Title 17 of
4 the Guam Code Annotated to read:

5 “§7117. **Restrictions on Expenditures from the Fund.** No expenditure
6 may be made from the Every Child is Entitled to an Adequate Public Education
7 Fund until the essential details of the expenditure are published on the website
8 maintained by the Guam Public School System pursuant to 5 GCA §10305. The
9 Superintendent of Education and the Treasurer of Guam shall make quarterly
10 reports showing the names of donors and the amounts of the donations to *I*
11 *Maga’lahi* and the Speaker of *I Liheslaturan Guåhan* and publish the reports on
12 the Guam Public School System website.”

13 **Section 14. Deappropriation and Reappropriation.**

14 The sum of up to One Hundred Sixty Thousand Dollars (**\$160,000**) is deappropriated
15 from the sums appropriated to *I Liheslatura* and reappropriated to the Every Child is
16 Entitled to an Adequate Public Education Fund. Notwithstanding any other law or rule,
17 the Fiscal Officer of *I Liheslatura* shall reduce the allotment to the Office of Senator
18 Robert Klitzkie by an amount equal to the sum deappropriated by this Section.

19 **Section 15.** The Superintendent of Education is hereby authorized to expend,
20 from the Every Child is Entitled to an Adequate Public Education Fund, up to Sixty
21 Thousand Dollars (**\$60,000**) for the repair and renovation of the Southern High School
22 gymnasium. The Superintendent’s authority to expend said funds shall expire on
23 December 31, 2005.

24 **Section 16. Standards for Air Conditioning Systems Funded Herein.**

25 The air conditioning system purchased with funds appropriated by this Act shall comply
26 with the following provisions:

1 (1) The system shall comply with the comfort and air quality standards
2 set forth for Heating, Ventilation and Air Conditioning (HVAC) equipment as provided
3 for by Chapter 5 of the Federal GSA’s Facilities Standards For Public Buildings Service
4 (PBS-P100).

5 (2) Repair and Replacement Parts must be readily available (*not more*
6 *than* five (5) working days).

7 (3) A warranty and maintenance agreement that guarantees the working
8 life system for a period of *not less than* five (5) years.

9 **Section 17.** A new §7118 is *added* to Chapter 7 of Title 17 of the Guam Code
10 Annotated to read:

11 **“§7118. Donations in Kind.** The Superintendent is authorized to accept
12 in kind contributions from any individual or organization. In kind contribution is
13 defined as a contribution of services, materials or equipment for the benefit of the
14 GPSS. Upon acceptance of said in kind contribution, the Superintendent shall
15 provide the individual or organization with a written statement acknowledging
16 said contribution and assessing its fair market value.

17 (a) The Superintendent of Education or his designee shall physically
18 receive such donations on behalf of GPSS.

19 (b) The Superintendent shall publish a quarterly report of all such
20 donations on the GPSS website, which shall include the names of the donors and
21 the items donated.

22 (c) The provisions of Title 5 GCA Sections 5601 through 5677 and any
23 other Guam laws which create ethical standards of conduct shall apply to all
24 officers and employees of the government of Guam who receive or possess such
25 donations, the donors, and the donations made pursuant to this Section.

26 (d) The Guam Education Policy Board shall enact rules and regulations
27 regarding the making and acceptance of donations by the GPSS.”

1 **Section 18. A new Chapter 49 is *added* to 17 GCA to read:**

2 **“Chapter 49**

3 **School Financing**

4 **§49001. 2005 Revenue School Improvement Bonds.**

5 **(a) Authorization of Issuance of Revenue School Improvement Bonds.**

6 *I Maga’lahen Guåhan* is authorized to issue new bonds of the government of
7 Guam in an aggregate principal amount not to exceed Seventeen Million Dollars
8 **(\$17,000,000)** to fund all or a portion of the capital outlay and capital
9 improvement projects described herein, and paying expenses incurred in
10 connection with the issuance of such new bonds; provided, however, that the
11 issuance of the new bonds shall not violate the debt limitation provisions of 48
12 U.S.C. §1423a.

13 **(b) Terms and Conditions Determined by Indenture.** The terms and

14 conditions of the bonds shall be as determined by *I Maga’lahi* by the execution
15 of an indenture securing the bonds upon or before the issuance of the bonds. The
16 indenture shall contain such terms and conditions as are consistent with this
17 Section.

18 **(c) Valid and Binding Obligation.** To the extent that the debt limitation

19 provisions of 48 U.S.C. §1423a are not violated, any bonds authorized by this
20 Section shall constitute the valid and legally binding limited obligations of the
21 government of Guam payable solely from and secured by a pledge of the
22 revenues pledged pursuant to Subsection (d) of this Section.

23 **(d) Pledge of Revenues; Not a General Obligation.** There is hereby

24 established the School Improvement Fund, hereinafter known as the ‘SIF’. Any
25 and all revenues derived from the issuance of new and renewal licenses issued by
26 the Business License Branch of the Department of Revenue and Taxation in
27 Guam, and all fees and penalties collected by the Guam Public School System,

1 except as restricted by federal law, shall be deposited in the SIF. All funds held
2 in the SIF may be pledged to secure the repayment of any bonds issued under this
3 Section and to pay costs incurred in the issuance or administration of the bonds.
4 Any pledge made to secure the bonds shall be valid and binding from the time the
5 pledge is made. The revenues pledged and thereafter received by the government
6 of Guam or by any trustee, depository or custodian shall be deposited in a
7 separate account and shall be immediately subject to the lien of such pledge
8 without any physical delivery thereof or further act, and the lien of such pledge
9 shall be valid and binding against all parties having claims of any kind in tort,
10 contract or otherwise against the government of Guam or such trustee, depository
11 or custodian, regardless of whether the parties have notice thereof. The indenture
12 or agreement by which such pledge is created need not be recorded. All such
13 fees and penalties, to the extent so pledged, are hereby continuously appropriated
14 for such purpose. The bonds shall not be, and shall state on their face that they
15 are not, general obligations of the government of Guam.

16 **(e) Waiver of Immunity.** Notwithstanding any substantive or procedural
17 provision of Chapter 6 of Title 5 of the Guam Code Annotated, the government
18 of Guam waives immunity from any suit or action in contract on the bonds, but
19 does not waive sovereign immunity as to the personal liability of elected officials
20 and employees of the government of Guam.

21 **(f) Form of Bonds; Covenants; Appointment of Fiduciaries.** The
22 technical form and language of the bonds, including provisions for execution,
23 exchange, transfer, registration, paying agency, lost or mutilated bonds,
24 negotiability, cancellation and other terms or conditions not inconsistent with this
25 Section, including covenants relating to the maintenance of revenues, shall be as
26 specified in the indenture approved by *I Maga'lahi* authorizing the issuance of
27 the bonds. The indenture may appoint one or more trustees or other fiduciaries

1 authorized to receive and hold in trust the proceeds of the bonds and revenues
2 relating thereto, to protect the rights of bondholders and to perform such other
3 duties as may be specified in the indenture. *I Maga'lahi* is also authorized to
4 execute, on behalf of the government of Guam, any appropriate agreements,
5 certificates or other instruments relating to the bonds, the sale of the bonds and
6 payment of the bonds being refunded. The indenture shall be subject to the
7 approval of *I Liheslaturan Guåhan*.

8 **(g) Authorization for Credit Enhancement.** *I Maga'lahi* is authorized to
9 enter into such contracts or agreements with such banks, insurance companies or
10 other financial institutions as he determines are necessary or desirable to improve
11 the security and marketability of the bonds issued under this Section. Such
12 contracts or agreements may contain an obligation to reimburse, with interest,
13 any such banks, insurance companies or other financial institutions for advances
14 used to pay principal or interest on the bonds. Any such reimbursement
15 obligation shall be payable solely from, and may be secured by a pledge of, the
16 revenues described in Subsection (d) of this Section.

17 **(h) Use of Proceeds from the Sale of the Bonds.** Proceeds from the sale
18 of the bonds shall be used solely to fund all or a portion of the projects
19 enumerated in Subsection (j) of this Section, and to pay expenses relating to the
20 authorization, sale and issuance of the bonds and the payment of the bonds being
21 refunded, including, without limitation, printing costs, costs of reproducing
22 documents, bond insurance premiums, underwriting, legal and accounting fees
23 and charges, fees paid to banks or other financial institutions providing credit
24 enhancement, costs of credit ratings, fees and charges for execution,
25 transportation and safekeeping of bonds, escrow agent fees and other costs,
26 charges and fees in connection with the issuance, sale and delivery of the bonds
27 and the payment of the bonds being refunded.

1 **(i) No Personal Liability Except for Failure to Perform Ministerial**
2 **Duty.** No employee or elected official of the government of Guam shall be
3 individually or personally liable for the payment of any amounts due on any
4 bonds issued under this Section, or for any other liability arising in connection
5 with the bonds; provided, however, that nothing in this Section shall relieve any
6 employee or elected official from the performance of any ministerial duty
7 required by law.

8 **(j) Proceeds.** The proceeds shall be expended for the following school
9 improvement projects:

10 (1) design, repair, renovation and reconstruction of facilities that are part of
11 public schools in Guam, inclusive of restrooms, classrooms, cafeterias,
12 labs and other such facilities as determined by the Superintendent of
13 Education, provided that no such work may be performed on a facility
14 that is not a school; and

15 (2) purchase and upgrading of school air conditioning systems, school fire
16 alarm and safety systems and classroom computers, as determined by
17 the Superintendent of Education.

18 **(k) Alternative Financing.** Should *I Maga'lahi* determine that an
19 alternative method of financing, including, but not limited to, a short term debt,
20 mortgage, loan, federally guaranteed loan or loan by an instrumentality of the
21 United States Federal Government will better serve the needs of the school
22 system and the people of Guam, *I Maga'lahi* is authorized to pursue such
23 financing by pledging the revenues detailed in this Section, provided that the
24 proceeds of such alternative financing shall be as authorized by this Section and
25 provided further that any instrument of such financing shall be subject to the
26 approval of *I Liheslaturan Guåhan* before execution.

1 **(l) Assistance by GEDCA.** The Guam Economic Development and
2 Commerce Authority shall provide such assistance as *I Maga’lahi* requires or
3 requests in fulfilling the purpose of this Section. Such assistance will be
4 provided without fee or compensation of any kind.”

5 **Section 19. School Improvement Fund (SIF).**

6 **(a)** The sum of Seventeen Million Dollars (**\$17,000,000**) is
7 appropriated from the School Improvement Fund to the Guam Public School System for
8 capital outlay and capital improvement projects.

9 **(b)** The Superintendent of Education shall submit a detailed quarterly
10 report to *I Liheslaturan Guåhan* on the expenditure of said funds *no later than* thirty
11 (30) days after the close of each quarter and post the same on the GPSS website.

12 **Section 20. Authorization to Develop School Facilities on the Marbo**
13 **Property Using the Municipal Lease Method.**

14 **(a) Authorization to Enter into Lease.** For the purpose of facilitating
15 the financing of the design, construction and maintenance of an Education Facility, as
16 defined in Title 5 GCA § 58103(e), an Education Agency, namely the Guam Public
17 School System, or the government of Guam, as the case may be, is authorized to lease, to
18 a Contractor, up to eighteen (18) acres of certain real property located on Guam better
19 described more particularly as that certain real property, located in Yigo, Guam, known
20 as Lot Marbo Base Command “B”-4, consisting of approximately eighty (80) acres, as
21 described in Exhibit “A” of the United States Quitclaim Deed, Instrument Number
22 479882, on which to construct an Education Facility, as defined in Title 5 GCA §
23 58103(e), pursuant to Chapter 58 of Title 5, also known as The Education Facilities
24 Construction Initiative Act of 2001, as amended.

25 **(b) Approval of the Request for Proposal.** *I Liheslaturan Guåhan*
26 hereby approves the Request for Proposal (“RFP”) attached hereto as “Exhibit B.” Such
27 RFP shall be issued by the government of Guam through the Department of Public

1 Works, in compliance with the Guam Procurement Law, for the financing, design and
2 construction of the Education Facility, together with maintenance of the Education
3 Facility over the term of the Lease-Back, according to the needs of the Education
4 Facility, and consistent with Chapter 58 of Title 5.

5 (c) **Reservation of Funds.** Beginning Fiscal Year 2007, the sum of One
6 Million Dollars (**\$1,000,000**) shall be reserved from the General Fund debt service
7 savings resulting from the payoff of the government of Guam’s 1995 General Obligation
8 Bond pursuant to Public Law 28-49 for the RFP approved herein. Upon acceptance of
9 the terms and conditions resulting from the RFP, approved herein, *I Maga’lahi* shall
10 submit a request to *I Liheslatura* for a continuing appropriation from such reserved funds
11 to carry out the intent of this Act.

12 (d) **Zoning of Lot.** Lot Marbo Base Command “B”-4, consisting of
13 approximately eighty (80) acres, is hereby zoned as S-1 (School Zone).

14 **Section 21.** A new Section 61312 is *added* to Title 21 GCA to read:

15 “§61312. S-1 (School Zone). (a) Use permitted:

16 (1) public schools and school related facilities.”

17 **Section 22. Approval of Ground Leases as Required by Public Law 28-47.**

18 (a) **Findings and Intent.** *I Liheslaturan Guåhan* hereby declares that
19 the intent of *I Mina'Bente Ocho Na Liheslaturan Guåhan* in enacting Bill No. 101, now
20 Public Law 28-47, was, and continues to be, that the amendments made by Public Law
21 28-47 shall apply to any transaction consummated pursuant to the Notice of Award
22 issued by the Department of Public Works on February 2, 2005 for the Construction of
23 New-Schools-Finance, Design, Build and Leaseback in various locations, except that the
24 requirement in Title 5 GCA § 58105 for the approval of *I Liheslaturan Guåhan* prior to
25 the solicitation of requests for proposals shall apply only to requests for proposals made
26 after the date of enactment of Public Law 28-47.

1 **(b) Approval of the Ground Lease.** *I Liheslaturan Guåhan* hereby
2 approves, pursuant to Title 5 GCA § 58104, the lease of the following parcels for use in
3 the following order of priority for the purposes of Chapter 58 of Title 5, also known as
4 The Education Facilities Construction Initiative Act of 2001, as amended:

5 Adacao Mangilao Elementary School Site – Lot 5402-R5New-6, Municipality of
6 Mangilao;

7 Liguan Terrace Dededo Elementary School Site – Lot 264, Block 4, Tract 100,
8 Municipality of Dededo;

9 Astumbo Dededo Middle School Site – Block 26-1NEW, Tract 240, Municipality
10 of Dededo;

11 Wettengel (Ukudu) High School Site – Tract 11406, Municipality of Dededo; and

12 J.M. Guerrero Elementary School Conversion to Middle School – Lot No. 10126-
13 R2, Harmon, Municipality of Dededo.

14 **(c) Rezoning of Lots.** The following lots are hereby rezoned to S-1
15 (School Zone):

16 Lot No. 5402-R5NEW-6, Municipality of Mangilao containing an area of
17 16.98 acres as shown on Land Management Drawing No. I4-05T691 LM
18 Check No. 238 FY2005 is rezoned from A to S-1 (School Zone);

19 Lot No. 264, Block 4, Tract 100, Municipality of Dededo containing an
20 area of 24.7 acres as shown on Land Management Drawing No. I4-05T692
21 LM Check No. 085 FY2005 is rezoned from R-1 to S-1 (School Zone);

22 Block 26-1NEW, Tract 240, Municipality of Dededo containing an area of
23 15 +/- acres as shown on Land Management Drawing No. I4-05T693 LM
24 Check No. 253 FY2005 is rezoned from R-1 to S-1 (School Zone);

1 Tract 11406, Municipality of Dededo containing an area of 87 +/- acres as
2 shown on Land Management Drawing No. I4-05T694 LM Check No. 254
3 FY2005 is rezoned from A to S-1 (School Zone); and
4 Lot No. 10126-R2, Municipality of Dededo containing an area of 15.36
5 acres as described as shown on Land Management Drawing No. I4-05T695
6 LM Check No. 255 FY2005 is rezoned from R-1 to S-1 (School Zone).

7 **Section 23. GPSS Budget.** §3121, Chapter 3, Title 17 of the Guam Code
8 Annotated is amended to read:

9 “**§3121. Budget.** The Superintendent of Education shall prepare the GPSS
10 fiscal year budget. When formulating the fiscal year budget for the GPSS, the
11 Superintendent shall recommend spending priorities for Board approval with top
12 priority given to those budgetary items that directly impact teaching and learning.
13 The budget shall include a Board resolution indicating its approval of the budget
14 submission and its funding priorities. The budget request for the non-personnel
15 categories of each decentralized school shall be submitted as a separate line-item,
16 by school, of the GPSS. The Superintendent shall submit the GPSS fiscal year
17 budget, approved by the Board, to *I Liheslaturan Guåhan* no later than March
18 30, 2006 for Fiscal Year 2007. Every year thereafter the submission shall be on
19 the thirtieth (30th) day of January.”

20 **Section 24. Chief Financial Officer.** §3125 of Chapter 3, Article 1 of Division
21 2, Title 17, Guam Code Annotated is hereby *amended* to read:

22 “**§3125. Chief Financial Officer.**

23 (a) The position of Chief Financial Officer is hereby established within the
24 Guam Public School System. The Chief Financial Officer shall meet the
25 following minimum qualifications:

26 i)

27 shall have graduated from a college or university with a Master’s

1 degree in accounting, finance, economics, business administration or a
2 related field or a Bachelor's degree in accounting, finance, economics,
3 business administration or a related field plus possession of nationally
4 recognized professional designation in accounting or finance; or

5 ii) shall have at least seven (7) years experience as a Chief
6 Financial Officer or Controller responsible for general accounting and
7 fiscal services;

8 iii) shall have knowledge and experience in negotiating and directing
9 activities related to obtaining financial reimbursement from federal
10 government programs; and

11 iv) shall have experience in negotiating contracts with external parties,
12 including third party payers, vendors, insurance carriers and other
13 contracting parties.

14 **(b)** The Chief Financial Officer shall report directly to the Superintendent of
15 Education. The Superintendent of Education shall hire the Chief Financial
16 Officer by direct employment as an unclassified employee of the government of
17 Guam, or by personal services contract, as is deemed necessary by the
18 Superintendent of Education to attract and retain a qualified Chief Financial
19 Officer. Notwithstanding the provisions of §6206.1 of Title 4 of the Guam
20 Code Annotated, the salary of the Chief Financial Officer shall be established
21 by the Guam Education Policy Board ('The Board'). The Board shall consider
22 income levels of private and government practitioners on Guam and worldwide.
23 Implementation of the salary structure is *subject to* the approval of the Board.

24 **(c)** The Chief Financial Officer shall provide the Guam
25 Education Policy Board, *I Maga'lahaen Guåhan* and *I Liheslaturan Guåhan* with
26 monthly financial reports on the receipt, allocation and expenditure of all funds
27 provided to the GPSS, to include General Funds, Federal funds, and non-

1 appropriated funds. Said financial reports shall be transmitted to said offices *no*
2 *later than* thirty (30) days after the close of each month, and an annual financial
3 report shall be submitted *no later than* sixty (60) days after the close of each
4 fiscal year. Said financial reports shall be provided at no cost to the respective
5 offices. Failure to provide timely reports shall constitute ‘cause’ for termination
6 purpose.”

7 **Section 25. Amend 17 GCA §3117 to read:**

8 **“§3117. Same: Vacancies.**

9 Any vacancies of elected member positions occurring on the Board shall be filled
10 within ninety (90) days by appointment of *I Maga’lahen Guåhan* (the Governor of
11 Guam) for the remaining term of the vacating member, subject to the advice and
12 consent of *I Liheslaturan Guåhan* (the Guam Legislature). Such vacancies shall be
13 filled by appointment of a member from the same district represented by the vacating
14 member.”

15 **Section 26. GPSS Compensation Plan Review.** Section 2 of Public Law 28-
16 036 is hereby *amended* to read as follows:

17 **“Section 2. GPSS Compensation Plan Review.** The Civil Service
18 Commission (‘Commission’), in consultation with the Guam Public School
19 System (GPSS), immediately upon the enactment of the Act and every three (3)
20 years thereafter, shall review and upgrade, as needed, the Compensation Plans of
21 Certificated Personnel, Certificated Healthcare Professionals and Attendance
22 Officers of GPSS, to be competitive with the U.S. national average. The
23 Commission shall implement the upgraded Compensation Plans of Certificated
24 Personnel, Certificated Healthcare Professionals and Attendance Officers of
25 GPSS within a period of sixty (60) days upon commencement of the review.”

26 **University of Guam**

1 **Section 27. University of Guam.**

2 **(a)** The sum of Twenty-five Million Eight Hundred Seventy-seven
3 Thousand Six Hundred Forty-five Dollars (**\$25,877,645**) is appropriated from the
4 General Fund to the University of Guam for its operations in Fiscal Year 2006.

5 **(b)** The sum of Eighty-Four Thousand Three Hundred Ninety-eight
6 Dollars (**\$84,398**) is appropriated from the interest earned on the UOG Endowment
7 Fund- Series B to the University of Guam for its operations in Fiscal Year 2006.

8 **(c)** The sum of One Million Five Hundred Eight Thousand Dollars
9 (**\$1,508,000**) is appropriated from the Federal Matching Grant-in-Aid to the University
10 of Guam for its operations in Fiscal Year 2006.

11 **(d)** The University of Guam is authorized to transfer up to Six Hundred
12 Thousand Dollars (**\$600,000**) from the *Yamashita Educator Corps Fund* to the
13 University of Guam for the salaries and benefits of full-time faculty based on student
14 course demand.

15 **Section 28. University of Guam for Scholarships and Training Programs.**

16 The following appropriations are made to the University of Guam for Fiscal Year 2006.

17 **(a) Student Scholarships, Financial Assistance Programs and**
18 **Program Administration.** The sum of Two Million Five Hundred Thirty-five
19 Thousand Six Hundred Seventy Dollars (**\$2,535,670**) is appropriated from the General
20 Fund to the University of Guam for Fiscal Year 2006 to be expended for the following
21 student scholarships, financial assistance programs and program administrations: Merit
22 Awards, Student Loans, Nurse Training Programs, Professional and Technical Awards,
23 Reserve Officer Training Corps (“ROTC”), Regent Scholarships, Marine Lab
24 Graduates Assistance Programs, Early High School Admission Programs, Pedro “Doc”
25 Sanchez Scholarship Programs, John F. Quan Memorial Scholarship Program and
26 administration of all student financial assistance programs. The University of Guam

1 shall allocate this appropriation in order to fund student scholarships, financial
2 assistance programs and program administration.

3 **(b) Dr. Antonio C. Yamashita Educator Corps.** The sum of One
4 Million Three Hundred Fourteen Thousand Six Hundred Ninety-six Dollars
5 **(\$1,314,696)** is appropriated from the General Fund to the University of Guam for
6 Fiscal Year 2006, which shall disburse the funds pursuant to the directives and policies
7 of the Educator Corps Council, for stipends for the Dr. Antonio C. Yamashita Educator
8 Corps and for the administration of the Educator Corps Council, in accordance with the
9 provisions of Public Law 24-231, and §15107 of Title 17 of the Guam Code Annotated,
10 as *amended*.

11 **Section 29. Appropriation for Aquaculture Development and Training**
12 **Center.** The sum of One Hundred Forty Thousand Dollars **(\$140,000)** is appropriated
13 from the General Fund to the University of Guam (“UOG”) for Fiscal Year 2006 for the
14 *sole* purpose of funding the continued operations of the Aquaculture Development and
15 Training Center. Such funds shall *not* be transferred or used for any other purpose.

16 **Section 30. WERI’s GHS.** The sum of Two Hundred Four Thousand Two
17 Hundred Dollars **(\$204,200)** is appropriated for Fiscal Year 2006 from the General
18 Fund to the University of Guam (“UOG”) to fund the Water and Environmental
19 Research Institute of the Western Pacific (“WERI”) for the *sole* purpose of funding the
20 Guam Hydrologic Survey (“GHS”). WERI shall continue to administer the GHS for
21 the same purposes that have previously been established by the laws of Guam. Such
22 funds shall *not* be transferred or used for any other purpose.

23 **Section 31. Appropriation for WERI’s Comprehensive Water Resource**
24 **Monitoring Program.** The sum of One Hundred Seventy-three Thousand Nine
25 Hundred Forty-eight Dollars **(\$173,948)** is appropriated for Fiscal Year 2006 from the
26 General Fund to the University of Guam (“UOG”) to fund the Water and
27 Environmental Research Institute of the Western Pacific (“WERI”). Such funds shall

1 be used for the *sole* purpose of matching the Federal funding for the Comprehensive
2 Water Resource Monitoring Program. WERI shall continue to administer the
3 Comprehensive Water Resource Monitoring Program for the same purposes that have
4 previously been established by the laws of Guam. Such funds shall *not* be transferred
5 or used for any other purpose.

6 **Section 32. University of Guam for the College of Natural and Applied**
7 **Sciences.** The sum of Ninety Thousand Dollars (**\$90,000**) is appropriated from the
8 General Fund for Fiscal Year 2006 to the University of Guam for the College of Natural
9 and Applied Sciences which shall be divided equally between the Northern and
10 Southern Soil and Water Conservation Districts Programs. Such funds shall *not* be
11 transferred or used for any other purpose.

12 **Section 33. University of Guam for KPRG (Public Radio).** The sum of One
13 Hundred Thousand Dollars (**\$100,000**) is appropriated from the General Fund to the
14 University of Guam for KPRG (Public Radio) operations for Fiscal Year 2006

15 **Section 34. University of Guam for Hero Scholarship Program.** The sum
16 of Twenty Thousand Dollars (**\$20,000**) is appropriated from the Judicial Building Fund
17 to the University of Guam to be expended for the Hero Scholarship Program for Fiscal
18 Year 2006. Said funds shall *not* be transferred or used for any other purpose.

19 **Section 35. Continuing Appropriation for University of Guam.** The
20 appropriation made to the University of Guam pursuant to Section 6 of Chapter IV of
21 Public Law 27-106 shall continue until all sums appropriated therein are expended.

22 **Guam Community College**

23 **Section 36. Guam Community College.**

24 (a) The sum of Six Million Nine Hundred Thirteen Thousand Three
25 Hundred Sixty-one Dollars (**\$6,913,361**) is appropriated from the General Fund to the
26 Guam Community College for its operations in Fiscal Year 2006.

1 (b) The sum of Six Million One Hundred Ninety Thousand Five
2 Hundred Forty-two Dollars (**\$6,190,542**) is appropriated from the Territorial Education
3 Facilities Fund to the Guam Community College for its operations in Fiscal Year 2006.

4 **Section 37. Guam Community College LPN and Vocational Guidance**
5 **Programs.** The appropriations in the Subsections below, totaling Six Hundred Eighty
6 Three Thousand One Hundred Thirty Dollars (**\$683,130**), are made to the Guam
7 Community College for the operations of the Licensed Practical Nursing Program and
8 Vocational Guidance Program for Fiscal Year 2006.

9 (a) There is hereby appropriated Five Hundred Forty-one Thousand
10 Five Hundred Sixty-five Dollars (**\$541,565**) from the General Fund to the Guam
11 Community College to support the operational requirements of the Licensed Practical
12 Nursing Program and Vocational Guidance Program in Fiscal Year 2006.

13 (b) The sum of Fifty-Seven Thousand One Hundred Sixty-seven Dollars
14 (**\$57,167**) from the interest earned on the Government of Guam Youth Tobacco
15 Education and Prevention Fund, Series B, is appropriated to the Guam Community
16 College to supplement the operational requirements of the Licensed Practical Nursing
17 Program and Vocational Guidance Program in Fiscal Year 2006.

18 (c) The sum of Eighty-Four Thousand Three Hundred Ninety-eight
19 Dollars (**\$84,398**) from the interest earned on the GCC Endowment Fund, Series B, is
20 appropriated to the Guam Community College to fund the operational requirements of
21 the Licensed Practical Nursing Program and Vocational Guidance Program in Fiscal
22 Year 2006.

23 **Section 38. Continuing Appropriation for Guam Community College.** The
24 appropriation made to the Guam Community College pursuant to Section 7 of Chapter
25 IV of Public Law 27-106 shall continue until all sums appropriated therein are
26 expended.

1 **Section 39. Territorial Education Facilities Fund Amendment.** Sub-item (2)
2 of Subsection (1) of Section 22425 of Chapter 22 of Title 5 of the Guam Code
3 Annotated is hereby *amended* to read:

4 “(2) On the dates on which monies are transferred to the General Fund
5 pursuant to paragraph (1) of this Subsection (1) of this Section, if such transfer is
6 sufficient to fully reimburse the General Fund, (with interest, if required), the
7 balance remaining in the TEF Fund shall remain in the TEF Fund and shall *only*
8 be appropriated by *I Liheslatura* for the purpose of constructing, refurbishing,
9 replacing and funding educational facilities and to fund the operations of the
10 Guam Community College.

11 Such tax collections shall *not* be pledged to the payment of amounts due on the
12 bonds, and this Subsection (1) may be amended at any time by subsequent act of *I*
13 *Liheslatura*. Nothing in this Section shall be construed to prevent the government of
14 Guam from issuing, after appropriate enabling legislation, for the benefit of the
15 government of Guam other general obligations or revenue obligations of the
16 government secured by such real estate tax revenues on a parity with the bonds
17 authorized by this Section.”

18 **Guam Educational Telecommunication Corporation (KGTF)**

19 **Section 40. Guam Educational Telecommunication Corporation (KGTF).**

20 The sum of Five Hundred Fourteen Thousand Four Hundred Seventy-seven Dollars
21 **(\$514,477)** is appropriated from the General Fund to the Guam Educational
22 Telecommunication Corporation (KGTF) for its operations in Fiscal Year 2006.

23 **Guam Public Library System**

24 **Section 41. Guam Public Library System.** The sum of One Million One

25 Hundred Eighty-four Thousand Three Hundred Sixty-five Dollars **(\$1,184,365)** is

1 appropriated from the General Fund to the Guam Public Library System for its
2 operations in Fiscal Year 2006.

3 **Section 42. Continuing Appropriation for the Guam Public Library System.**

4 The appropriation made to the Guam Public Library System pursuant to Appendix B of
5 Public Law 27-106 shall continue until all sums appropriated therein are expended.

1 **CHAPTER II.**

2 **PART II – PUBLIC SAFETY.**

3 **Guam Police Department**

4 **Section 1. Guam Police Department.** (a) The sum of Nineteen Million Three
5 Hundred Forty-seven Thousand Eight Hundred Ten Dollars (**\$19,347,810**) is
6 appropriated from the General Fund to the Guam Police Department for its operations
7 in Fiscal Year 2006, which shall be allocated as follows:

8 Personnel	\$18,485,983
9 Operations	\$ 861,827

10 (b) The sum of Three Hundred Thirty-nine Thousand One Hundred
11 Sixteen Dollars (**\$339,116**) is appropriated from the Police Services Fund to the Guam
12 Police Department for its operations in Fiscal Year 2006.

13 (c) The sum of One Hundred Twenty-six Thousand Dollars (**\$126,000**) is
14 appropriated from the General Fund to the Guam Police Department to fund training
15 and compensation for twelve (12) additional police cadets.

16 **Section 2. Guam Police Department Fuel Appropriation.** The sum of Five
17 Hundred Thousand Dollars (**\$500,000**) is appropriated from the General Fund to the
18 Guam Police Department for fuel requirements in Fiscal Year 2006.

19 **Section 3. Guam Police Department Tamuning/Tumon Precinct**
20 **Appropriation.** The sum of Six Hundred Thirty-nine Thousand One Hundred Seventy-
21 six Dollars (**\$639,176**) is appropriated from the Tourist Attraction Fund to the Guam
22 Police Department to fund its Tamuning/Tumon Precinct operations in Fiscal Year
23 2006.

24 **Section 4. Additional Overtime Appropriation.** The sum of Eight Hundred
25 Seventy-four Thousand Dollars (**\$874,000**) is appropriated from the General Fund to
26 the Guam Police Department (GPD) to fund overtime requirements for GPD. The
27 Chief of Police shall submit a report to the Speaker of *I Liheslaturan Guåhan* on the

1 subject of overtime requirements for Fiscal Year 2006 within thirty (30) days of the
2 effective date of this Act.

3 **Section 5. Appropriation for New Sidearms.** The sum of Two Hundred Ten
4 Thousand Dollars (**\$210,000**) is appropriated from the General Fund to GPD for the
5 purchase of new sidearms for the Guam Police Department (GPD) uniformed
6 personnel.

7 **Section 6. The “Unreserved Fund Balance Fund”.** There is hereby created
8 the “Unreserved Fund Balance Fund” which shall be maintained separate and apart
9 from any other funds of the government of Guam and shall *not* be subject to any
10 transfer authority of *I Maga’lahen Guåhan*. Upon enactment of this Act, the Director
11 of Administration shall transfer sums equal to the amounts in the unreserved fund
12 balances of the Special Funds identified in Section 7, Part II of this Chapter.

13 **Section 7. Transfer of Unreserved Fund Balances.** The unreserved fund
14 balances from the following funds, as reported in the Government of Guam Basic
15 Financial Statements for the year ended September 30, 2004, shall be transferred to the
16 “Unreserved Fund Balance Fund”.

17	Corrections Revolving Fund	\$125,176
18	Dededo Buffer Strip Revolving Fund	\$101,267
19	DPW Building and Design Fee Account Fund	\$1,149,336
20	Enhanced 911 Emergency Reporting System Fund	\$1,574,228
21	Guam Plant Inspection and Permit Fund	\$49,000
22	Healthy Futures Fund	\$427,969
23	Housing Revolving Fund	\$1,043,467
24	Police Services Fund	\$67,216
25	Parks & Recreation Services Fund	\$70,169

26 **Section 8. Repeal of the Housing Revolving Fund.** Section 12104 of Chapter
27 12 of Title 4 of the Guam Code Annotated is hereby *repealed*.

1 **Section 9. Repeal of the Department of Public Works Building and Design**
2 **Fee Account Fund.** Section 66409(c) of Chapter 66 of Title 21 of the Guam Code
3 Annotated is hereby *repealed*.

4 **Section 10. Appropriation for Guam Police Department.** The sum of Sixty-
5 seven Thousand Two Hundred Sixteen Dollars (**\$67,216**) is appropriated from the
6 Unreserved Fund Balance *Fund* to the Guam Police Department to support the
7 operations of the Department in Fiscal Year 2006.

8 **Section 11. Continuing Appropriation for Guam Police Department**
9 **Recruits.** The appropriation made to the Guam Police Department pursuant to Section
10 12(a), (b) and (c) of Chapter IV of Public Law 27-106 for the personnel, supplies and
11 equipment costs associated with the recruitment and hiring of sixty-eight (68) recruits
12 shall continue until all sums appropriated are expended.

13 **Section 12. Legal Counsel.** The sum of Ninety Thousand Seven Hundred
14 Twenty Dollars (**\$90,720**) is appropriated from the General Fund to employ the services
15 of Legal Counsel for the Guam Police Department.

16 **Section 13. Temporary Employment of Retired Police Officers.**
17 Notwithstanding the provisions of Section 8121(a) of Chapter 8 of Title 4 of the Guam
18 Code Annotated, the Guam Police Department may hire retired Guam Police Officers
19 when a critical need arises. Retired police officers hired under this Section may
20 continue to receive their retirement annuity while employed on this temporary basis.
21 Officers may *only* be hired under this Section to fill positions left vacant as a result of
22 military activation of police officers filling those positions and shall be terminated when
23 the incumbent returns from military service. Retired officers may be hired only in the
24 ranks of Sergeant I and below at Step I and shall *not* be entitled to sick and annual
25 leave. Officers hired under this Section shall first meet requirements, *except* for written
26 examinations, for the position for which they are being considered and the Chief of
27 Police shall certify that every retiree hired is fit for duty.

1 (c) The sum of Six Hundred Two Thousand Three Hundred Seventy-eight
2 Dollars (**\$602,378**) is appropriated from the Unreserved Fund Balance Fund to the
3 Guam Fire Department for its operations in Fiscal Year 2006.

4 **Section 16. Guam Fire Department Fire Stations.** The sum of One Hundred
5 Fifty Thousand Dollars (**\$150,000**) is appropriated from the General Fund to the Guam
6 Fire Department for maintenance, repairs and upgrade of Fire Stations in Fiscal Year
7 2006.

8 **Section 17. Guam Fire Department Office Space Rental.** The sum of Ninety-
9 six Thousand Dollars (**\$96,000**) is appropriated from the General Fund to the Guam
10 Fire Department for office space rental in Fiscal Year 2006.

11 **Section 18. Advanced Life Support Program.**

12 (a) The sum of One Hundred Twenty-six Thousand Eight Hundred Seventy-
13 three Dollars (**\$126,873**) is appropriated from the Unreserved Fund Balance *Fund* to the
14 Guam Fire Department for its Advanced Life Support Program to fund two (2) (each)
15 vehicles and equipment in Fiscal Year 2006.

16 (b) The sum of Twelve Thousand Dollars (**\$12,000**) is appropriated from the
17 Unreserved Fund Balance *Fund* to the Guam Fire Department for its Advanced Life
18 Support Program to fund Vehicle Preventive Maintenance Contracts in Fiscal Year
19 2006.

20 (c) The sum of Ten Thousand Dollars (**\$10,000**) is appropriated from the
21 Unreserved Fund Balance *Fund* to the Guam Fire Department for its Advanced Life
22 Support Program for Office Equipment and Supplies in Fiscal Year 2006.

23 (d) The sum of Six Hundred Ninety-five Thousand Two Hundred Seventy-
24 three Dollars (**\$695,273**) is appropriated to the Guam Fire Department of which Eighty-
25 nine Thousand Four Hundred Dollars (**\$89,400**) is from the General Fund and Six
26 Hundred Five Thousand Eight Hundred Seventy-three Dollars (**\$605,873**) is from the

1 Unreserved Fund Balance *Fund* to restore incentive pay for the purposes of Section
2 6223 of Article 2 of Chapter 6 of Title 4.

3 (e) **Repeal of Section 5 of Public Law 28-62.** Section 5 of Public Law 28-62
4 is hereby *repealed*. Section 6223 of Article 2 of Title 4, Guam Code Annotated, is
5 hereby *restored* in the form and language existing *prior* to the enactment of Section 5 of
6 Public Law 28-62.

7 **Section 19. Appropriation to the Guam Fire Department for Equipment**
8 **and Supplies.** The sum of Two Hundred Seventeen Thousand One Hundred Four
9 Dollars (**\$217,104**) is appropriated from the Unreserved Fund Balance *Fund* to the
10 Guam Fire Department for vehicle parts, fuel charges, ambulance supplies, firefighting
11 supplies and station supplies in Fiscal Year 2006.

12 **Section 20. Fire, Life and Medical Emergency Fund ('FLAME').** Section
13 72106 of Chapter 72 of Title 10 of the Guam Code Annotated is hereby *amended* to
14 read:

15 **"§72106. Fire, Life and Medical Emergency Fund ('FLAME').**

16 (a) **Creation of Fire, Life and Medical Emergency Fund ('FLAME').**
17 There is hereby created the Fire, Life and Medical Emergency Fund ('FLAME'). Sixty
18 percent (60%) of all monies deposited within the Fund shall be used to purchase
19 essential emergency rescue and firefighting vehicles, emergency life support and
20 medical equipment, and training for Emergency Medical Technician and Paramedic
21 certifications. Forty percent (40%) of all monies deposited within the Fund shall be
22 used to pay for emergency medical and paramedic certified firefighter salary
23 adjustments required by 4 GCA §6223 and §6231 and 10 GCA §72105.3. The Fund
24 shall be under the control of the Guam Fire Department and the Director of
25 Administration (the Director). The Director shall administer the Fund and release the
26 necessary monies upon request by the Fire Chief for expenditures authorized by this
27 Section. The Director shall report on a quarterly basis to the Speaker of *I Liheslaturan*

1 *Guåhan* the revenues collected and expended from this Fund and post the same on the
2 Department's website.

3 **(b) Authorization to Collect Fees for Services and Fines.** The Guam
4 Fire Department shall establish, in accordance with the Administrative Adjudication
5 Law, *no later than* August 1, 2006, a schedule of (i) fees for the following services:
6 non-emergency use of an ambulance primarily for transportation as opposed to
7 emergency medical care under circumstances where the person ordering the same does
8 *not* reasonably believe that a *bona fide* medical emergency condition exists, making
9 building inspections, or issuing burning permits; and (ii) fines for creating fire hazards,
10 disobeying permit conditions, failing to correct hazardous conditions reported as a
11 result of building inspections, or non-compliance with the Fire Code. All fees and fines
12 collected under such approved schedule shall be deposited in the Fund.

13 **(c) No Transfer Authority by *I Maga'lahren Guåhan*.** *I Maga'lahren Guåhan*
14 may *not* use his transfer authority to utilize any monies deposited in the Fund.”

15 **Section 21. Title 4 Guam Code Annotated §6219 is hereby amended**
16 **to read: “§6219. Firemen: Compensation: Annual and Sick Leave.**

17 **(a)** Notwithstanding any other law, rule, or regulation, firefighters within the
18 Guam Fire Department, *except* the Fire Chief, shall be compensated at the regular
19 hourly rate of pay at one hundred six (106) hours, and shall be compensated at one and
20 one-half (1½) times the regular hourly rate for hours worked in *excess* of one hundred
21 six (106) hours per pay period. Firefighters who are working administrative duty shall
22 work eighty (80) hours per pay period at their regular rate of pay in the same manner as
23 other government of Guam employees and at one and one-half (1½) times their regular
24 hourly rate only in the event that they work in *excess* of one hundred six (106) hours in
25 a pay period.”

26 **Section 22.** The sum of Four Hundred Forty-five Thousand Dollars (**\$445,000**)
27 is appropriated from unexpended and unencumbered Fiscal Year 2005 Executive

1 Branch appropriations to the Guam Fire Department for the purpose of funding
2 promotions of uniformed personnel in Fiscal Year 2006.

3 **Section 23.** A new §72107 is *added* to Chapter 72, Title 10 Guam Code
4 Annotated to read as follows:

5 **“§72107. Rendering Appointments Permanent.** A Guam Fire Department
6 employee who has occupied the position of Firefighter II or Fire Service Specialist on a
7 temporary basis for more than five (5) years shall be deemed to be promoted to and
8 occupy said position on a permanent basis. The Director of Administration shall
9 execute the necessary personnel actions to document such promotions.”

10 **Department of Corrections**

11 **Section 24. Department of Corrections.** The sum of Thirteen Million One
12 Hundred Seventy-four Thousand Five Hundred Eleven Dollars (**\$13,174,511**) is
13 appropriated from the General Fund to the Department of Corrections for its operations
14 in Fiscal Year 2006, which shall be allocated as follows:

15	Personnel	\$10,277,622
16	Operations	\$ 2,896,889

17 **Section 25. Department of Corrections Operations.**

18 **(a)** The sum of One Million Three Hundred Four Thousand Nine Hundred
19 Seven Dollars (**\$1,304,907**) is appropriated from the Corrections Revolving Fund to the
20 Department of Corrections to support its operations in Fiscal Year 2006.

21 **(b)** The sum of One Hundred Twenty-five Thousand One Hundred Seventy-
22 six Dollars (**\$125,176**) is appropriated from the Unreserved Fund Balance *Fund* to the
23 Department of Corrections to support its operations in Fiscal Year 2006.

24 **Section 26. Department of Corrections Appropriation for Legal Research.**
25 The sum of Seven Thousand Five Hundred Dollars (**\$7,500**) is appropriated from the

1 General Fund to the Department of Corrections for digital legal research capabilities for
2 incarcerated persons in Fiscal Year 2006.

3 **Section 27. Department of Corrections Office Space Rental.** The sum of
4 Eighty-two Thousand Eight Hundred Eighty Dollars (**\$82,880**) is appropriated from the
5 General Fund to the Department of Corrections for office space rental in Fiscal Year
6 2006 as a result of relocation from its *Tiyan* facilities.

7 **Section 28. Department of Corrections Compensation for Housing**
8 **Incarcerated Persons.** The sum of Ninety-six Thousand Dollars (**\$96,000**) is
9 appropriated from the Safe Streets Fund to the Department of Corrections in Fiscal
10 Year 2006 to fund compensation for housing incarcerated persons.

11 **Department of Youth Affairs**

12 **Section 29. Department of Youth Affairs.**

13 (a) The sum of Three Million One Hundred Fifty-six Thousand Five Hundred
14 Fifty-one Dollars (**\$3,156,551**) is appropriated from the General Fund to the
15 Department of Youth Affairs for its operations in Fiscal Year 2006.

16 (b) The sum of Three Hundred Five Thousand Six Hundred Dollars (**\$305,600**) is
17 appropriated from the Federal Matching Grants-in-Aid to the Department of Youth
18 Affairs for its operations in Fiscal Year 2006.

19 **Section 30. Appropriation to the Department of Youth Affairs for**
20 **Sanctuary, Inc.**

21 (a) The sum of Two Hundred Forty-one Thousand Nine Hundred Forty-four
22 Dollars (**\$241,944**) is appropriated from the General Fund for Fiscal Year 2006 to the
23 Department of Youth Affairs ('DYA') for Sanctuary, Inc. for its operations.

24 (b) DYA shall submit a report to *I Maga'lahaen Guåhan* and the Speaker of *I*
25 *Liheslaturan Guåhan* containing a full disclosure of all expenditures of said funds from

1 this appropriation *no later than* forty-five (45) days after the close of each quarter of the
2 fiscal year and post the same on DYA’s website.

3 **Section 31. Appropriation to the Department of Youth Affairs.**

4 (a) The sum of Three Hundred Thousand Dollars (**\$300,000**) is appropriated
5 from the Healthy Futures Fund to the Department of Youth Affairs consistent with
6 §26302 (d) of Title 11 GCA for Fiscal Year 2006.

7 (b) DYA shall submit a report to *I Maga'lahen Guåhan* and the Speaker of *I*
8 *Liheslaturan Guåhan* containing a full disclosure of all expenditures of said funds from
9 this appropriation, *no later than* forty-five (45) days after the close of each quarter of
10 the fiscal year and post the same on DYA’s website.

11 **Office of the Chief Medical Examiner**

12 **Section 32. Office of the Chief Medical Examiner.** The sum of Four Hundred
13 Eight Thousand Five Hundred Fifty-nine Dollars (**\$408,559**) is appropriated from the
14 General Fund to the Office of the Chief Medical Examiner for its operations in Fiscal
15 Year 2006.

16 **Customs and Quarantine Agency**

17 **Section 33. Customs and Quarantine Agency.** The sum of Seven Million
18 Seven Hundred Sixty Thousand Four Hundred Eighteen Dollars (**\$7,760,418**) is
19 appropriated from the Customs, Agriculture, and Quarantine Inspection Fund to the
20 Customs and Quarantine Agency for its operations in Fiscal Year 2006.

21 **Office of the Attorney General, Department of Law**

22 **Section 34. Office of the Attorney General, Department of Law.**

23 (a) The sum of Five Million Eight Hundred Sixty-one Thousand Five Hundred
24 Twenty Dollars (**\$5,861,520**) is appropriated from the General Fund to the Office of the

1 Attorney General, Department of Law, for its operations, inclusive of its Personnel
2 Services, for Fiscal Year 2006.

3 (b) The sum of Four Million Two Hundred Five Thousand Six Hundred
4 Seventy-nine Dollars (**\$4,205,679**) is appropriated from the Federal Matching Grants-
5 in-Aid to the Office of the Attorney General, Department of Law, for its operations in
6 Fiscal Year 2006.

7 **Section 35. Office of the Attorney General, Department of Law Office**
8 **Space Rental.** The sum of Three Hundred Seventy-three Thousand Three Hundred
9 Eighty Dollars (**\$373,380**) is appropriated from the General Fund to the Office of the
10 Attorney General, Department of Law for office space rental in Fiscal Year 2006.

11 **Section 36. Continuing Appropriation for Office of the Attorney General,**
12 **Department of Law.** The appropriation made to the Office of the Attorney General,
13 Department of Law pursuant to Section 19 of Chapter IV of Public Law 27-106 shall
14 continue until all sums appropriated are expended.

15 **Section 37. Prohibition of Personal Services Contracts.** *Except* for positions
16 filled in accordance with the merit system at the University of Guam, the Guam
17 Community College, the Guam Public School System, the Unified Judiciary of Guam,
18 the Guam Police Department, *I Liheslaturan Guahan*, the Department of Law, and
19 licensed health professionals at the Guam Memorial Hospital, the Department of Public
20 Health and Social Services, and the Department of Mental Health and Substance Abuse,
21 positions in the classified and unclassified service shall *not* be filled pursuant to a
22 contractual agreement. Pursuant to the procurement law, government of Guam
23 departments and agencies may enter into agreements with independent contractors
24 provided that no such agreement may contract for services ordinarily provided by the
25 positions defined in the classified services, unless permitted by the organic statute of an
26 agency. It is *not* the intention of this Section to prohibit the use of independent
27 contracts for obtaining commonly recognized professional services, such as licensed

1 health professionals, licensed architects, licensed engineers, legal services, actuarial
2 services and auditing services (to include the Government of Guam Annual Single
3 Financial Audit) in those agencies that don't otherwise regularly provide such services
4 by appointment or a regular employee.

5 **Department of Parks and Recreation**

6 **Section 38. Appropriation for Territorial Park Patrol Officers.**

7 (a) There is hereby appropriated from the General Fund to the Department of
8 Parks and Recreation the sum of One Hundred Fifty-one Thousand
9 Fifteen Dollars (**\$151,015**) for the compensation and benefits of
10 Territorial Park Patrol Officers in the Parks Division to be allocated as
11 follows:

12	Personnel and Benefits	\$138,515
13	Overtime	\$ 8,000
14	Uniforms/Supplies/Equipment	\$ 4,500
15	Total	\$151,015

16 **Department of Agriculture**

17 **Section 39. Appropriation for Conservation Officers.** There is hereby
18 appropriated from the General Fund to the Department of Agriculture the sum of
19 Five Hundred Ninety-six Thousand Three Hundred Sixty-seven Dollars
20 (**\$596,367**) for the compensation and benefits of Conservation Officers in the
21 Division of Aquatic & Wildlife Resources to be allocated as follows:

22	Personnel and Benefits	\$556,367
23	Overtime	\$ 20,000
24	Uniforms/Supplies/Equipment	\$ 20,000
25	Total	\$596,367

1 the Department of Public Health and Social Services for its operations in Fiscal Year
2 2006.

3 **Section 2. Public Assistance Program Payments.** The sum of Three
4 Million One Hundred Thousand Dollars (**\$3,100,000**) is appropriated from the General
5 Fund for Fiscal Year 2006 to the Department of Public Health and Social Services for
6 Public Assistance Program payments.

7 Section 3. Medically Indigent Program (MIP) and Medicaid Program
8 Appropriation. The sum of Seventeen Million Nine Hundred Thirty Thousand Four
9 Hundred Five Dollars (\$17,930,405) is appropriated from the General Fund for Fiscal
10 Year 2006 to the Department of Public Health and Social Services to be used for the
11 following programs:

12 (a) The sum of Eleven Million Six Hundred Ninety-eight Thousand Five
13 Hundred Seventy-four Dollars (**\$11,698,574**) to the Medically Indigent Program
14 Payment Revolving Fund (MIPPR) for the Medically Indigent Program (MIP).

15 (b) The sum of Six Million Two Hundred Thirty-one Thousand Eight Hundred
16 Thirty-one Dollars (**\$6,231,831**) for the Medicaid Program.

17 (c) The unexpended balance of the appropriation from the General Fund to the
18 Department of Public Health and Social Services for MIP and Medicaid Programs for
19 Fiscal Year 2005 shall *not* revert back to the General Fund, but shall be carried over
20 into Fiscal Year 2006 to be expended in accordance with the original purpose of said
21 funds.

22 (d) The Director of DPHSS shall submit a report to the Speaker of *I*
23 *Liheslaturan Guåhan* of the allocation, demographics and expenditures associated with
24 the appropriations contained herein *no later than* thirty (30) days after the close of each
25 quarter and post the same on DPHSS' website.

26 (e) Payments for MIP and Medicaid vendors shall be made by DOA on a first
27 in – first out basis.

1 **Section 4.** A new Section 2907.5 is *added* to Title 10 GCA to read:

2 “**§2907.5. Report on MIP Clients.** Within ninety (90) days after the
3 enactment hereof, the Director of Public Health and Social Services shall submit
4 a report to *I Maga’lahen Guåhan* and the Speaker of *I Liheslaturan Guåhan* on
5 the following:

- 6 (1) a statistical profile of client utilization of the MIP that states the
7 mean, median and mode expenditures from the program on an
8 annual basis;
- 9 (2) a demographic profile of MIP clients, including a breakdown by
10 citizenship, that can be used by Guam’s Delegate to Congress to
11 advance Guam’s interest with respect to Compact Impact funding,
12 and other information such as the age, gender, number of household
13 members, annual income, length of Guam residence, and length of
14 time in the MIP;
- 15 (3) a comparison of the benefits and services available from the most
16 generous current government of Guam health insurance health plan
17 policy (HPP) having the fewest medical exclusions and most liberal
18 benefits with the benefits and services currently available from the
19 MIP; and
- 20 (4) an analysis of the financial impact on the Guam Memorial Hospital
21 Authority if MIP benefits are made commensurate with those
22 extended by the health insurance plan described in the previous
23 subsection.”

24 **Section 5. Appropriation to Catastrophic Illness Program.** The sum of
25 One Hundred Thousand Dollars (**\$100,000**) is appropriated from the General Fund for
26 Fiscal Year 2006 to the Department of Public Health and Social Services for the *sole*

1 purpose of funding the Catastrophic Illness Program. The funds appropriated herein
2 shall *not* be subject to *I Maga'lahaen Guåhan's* transfer authority.

3 **Section 6. Department of Public Health and Social Services**
4 **Appropriations for Fiscal Year 2006.**

5 (a) **Community Health Centers.** Notwithstanding Subsection (d) of §26603,
6 Chapter 26 of Title 11, Guam Code Annotated and any other provision of law, the sum
7 of Three Million Four Hundred Twenty-three Thousand Five Hundred Sixty Dollars
8 **(\$3,423,560)** is appropriated to the Department of Public Health and Social Services'
9 Community Health Centers to fund its operations, including the Centers' education,
10 treatment and prevention programs. Of this amount, Two Million Four Hundred
11 Twenty-three Thousand Five Hundred Sixty Dollars **(\$2,423,560)** is appropriated from
12 the Healthy Futures Fund and One Million Dollars **(\$1,000,000)** from the Government
13 of Guam Health and Human Services Fund (Series 2001A sub-account allocated to
14 DPHSS).

15 All MIP clients shall be seen at the Community Health Centers during regular
16 operational hours, but specialty care shall continue to be outsourced to private
17 physicians in the community.

18 (b) **Medicine for the Community Health Centers.** Notwithstanding
19 Subsection (d) of §26603, Chapter 26 of Title 11, Guam Code Annotated and any other
20 provision of law, the sum of One Million Sixty-four Thousand One Hundred Thirty-
21 four Dollars **(\$1,064,134)** is appropriated to the Department of Public Health and Social
22 Services' Community Health Centers to be used for medicines and for the treatment and
23 prevention of tobacco diseases for Fiscal Year 2006. Of this amount, Three Hundred
24 Thousand Dollars **(\$300,000)** shall come from the General Fund, Three Hundred
25 Thousand Dollars **(\$300,000)** from the Healthy Futures Fund, Thirty-six Thousand One
26 Hundred Sixty-five Dollars **(\$36,165)** from the Government of Guam Health and
27 Human Services Fund (Series 2001A sub-account allocated to DPHSS), and Four

1 Hundred Twenty-seven Thousand Nine Hundred Sixty-nine Dollars (**\$427,969**) from
2 the Unreserved Fund Balance *Fund*.

3 **Section 7. Appropriation to Department of Public Health and Social**
4 **Services.** The sum of Fifty-seven Thousand One Hundred Sixty-seven Dollars
5 (**\$57,167**) is appropriated from the interest earned on the Government of Guam Health
6 and Human Services Fund, Series B, to the Department of Public Health and Social
7 Services to support its operations, including education, treatment and prevention
8 programs of the Department in Fiscal Year 2006.

9 **Section 8. Foster Homes.** The sum of One Hundred Fifty-seven Thousand
10 Five Hundred Dollars (**\$157,500**) is appropriated from the Healthy Futures Fund to the
11 Department of Public Health and Social Services for payments of stipends and fees for
12 Foster Home care for Fiscal Year 2006.

13 **Section 9. Transfer Authorization for the Department of Public Health**
14 **and Social Services.** The Director of the Department of Public Health and Social
15 Services is hereby granted the authority to transfer funds between appropriations made
16 in this Act for the Department of Public Health and Social Services. The Director of
17 the Department of Public Health and Social Services shall submit notification of such
18 intent to transfer funds *no later than* fifteen (15) working days *prior* to the effective
19 date of such transfer to the Speaker of *I Liheslaturan Guåhan*.

20 **Section 10.** Nothing in 10 GCA, Chapter 3, Article 1, precludes the issuance
21 of Certificates of Foreign Birth to individuals adopted prior to the enactment of P.L. 28-
22 31.

23 **Department of Integrated Services for Individuals with Disabilities**

24 **Section 11. Department of Integrated Services for Individuals with**
25 **Disabilities.**

1 (a) The sum of One Million Four Hundred Twenty-three Thousand Thirty-two
2 Dollars **(\$1,423,032)** is appropriated from the General Fund to the Department of
3 Integrated Services for Individuals with Disabilities for its operations in Fiscal Year
4 2006.

5 (b) The sum of Four Hundred Thirty-three Thousand Six Hundred Fifty-six
6 Dollars **(\$433,656)** is appropriated from the Healthy Futures Fund to the Department of
7 Integrated Services for Individuals with Disabilities for its operations in Fiscal Year
8 2006.

9 (c) The sum of One Million Nine Hundred Forty-two Thousand Six Hundred
10 Two Dollars **(\$1,942,602)** is appropriated from the Federal Matching Grants-in-Aid to
11 the Department of Integrated Services for Individuals with Disabilities for its operations
12 in Fiscal Year 2006.

13 **Section 12. DISID Office Space Lease.** The sum of Ninety Thousand Dollars
14 **(\$90,000)** is appropriated from the General Fund to the Department of Integrated
15 Services for Individuals with Disabilities for office space rental in Fiscal Year 2006 as a
16 result of relocation from its *Tiyan* facilities.

17 **Section 13. Permanent Injunction.** The sum of Eight Hundred Seventy
18 Thousand Six Hundred Forty-two Dollars **(\$870,642)** is appropriated from the General
19 Fund to the Department of Integrated Services for Individuals with Disabilities for
20 compliance with the requirements of the Permanent Injunction Civil Case No. CV 01-
21 00041, J.C. et al v. Governor of Guam et al.

22 **Section 14. Appropriation to the Guam Developmental Disabilities Council.**
23 The sum of Twenty Thousand Dollars **(\$20,000)** is hereby appropriated from the
24 General Fund to the Guam Developmental Disabilities Council for its Fiscal Year 2006
25 operations, rent and utilities.

1 **Department of Mental Health and Substance Abuse**

2 **Section 15. Department of Mental Health and Substance Abuse.**

3 (a) The sum of Three Million Three Hundred Sixty-one Thousand Eight
4 Hundred Eighty-three Dollars (**\$3,361,883**) is appropriated from the General Fund to
5 the Department of Mental Health and Substance Abuse for its operations in Fiscal Year
6 2006.

7 (b) The sum of Four Hundred Sixty-nine Thousand Nine Hundred Sixty-two
8 Dollars (**\$469,962**) is appropriated from the Healthy Futures Fund to the Department of
9 Mental Health and Substance Abuse for its operations in Fiscal Year 2006.

10 **Section 16. Appropriation to the Department of Mental Health and**
11 **Substance Abuse.** The sum of One Million Dollars (**\$1,000,000**) is appropriated from
12 the Healthy Futures Fund to the Department of Mental Health and Substance Abuse for
13 the purpose of expansion of programs for children and adults with severe emotional
14 disorders in Fiscal Year 2006. Said sums shall *not* be expended for services and
15 programs which are or could be funded by Federal Grants received by the Department
16 of Mental Health and Substance Abuse. Such funds shall *not* be transferred or used for
17 any other purpose.

18 **Section 17. Child Mental Health Initiative Program Grant Fund.** The sum
19 of Two Hundred Fifty Thousand Dollars (**\$250,000**) is appropriated from the Healthy
20 Futures Fund to the Child Mental Health Initiative Program Grant Fund as a local match
21 to the Child Mental Health Initiative Program Grant to support children and adolescents
22 (under twenty-two (22) years of age) with serious emotional disturbances and their
23 families, as appropriated in Public Law 27-29 for Fiscal Year 2006. Such funds shall
24 *not* be transferred or used for any other purpose.

25 **Section 18. Youth Drug and Alcohol Program.** The sum of One Hundred
26 Fifty-three Thousand One Hundred Forty-four Dollars (**\$153,144**) is appropriated from
27 the Healthy Futures Fund to the Department of Mental Health and Substance Abuse to

1 fund (Sanctuary, Inc.) Youth Drug and Alcohol Program for Fiscal Year 2006. Upon
2 the enactment of this Act, on the fifteenth (15th) day of each month, the Director of the
3 Department of Mental Health and Substance Abuse shall provide a detailed report to the
4 Speaker of *I Liheslaturan Guåhan* on the expenditures made against the appropriations
5 in this Section and post the same on the Department's website.

6 **Section 19. Local Non-Profit Organization Programs.** The sum of Six
7 Hundred Thousand Dollars (**\$600,000**) is appropriated from the General Fund to the
8 Department of Mental Health and Substance Abuse in Fiscal Year 2006 to fund local
9 non-profit organizations currently providing drug and alcohol detoxification,
10 rehabilitation, and prevention services, provided that the awarding of such funds be
11 consistent with 48 USC §1421b(p), as follows:

- 12 (a) Two Hundred Thousand Dollars (**\$200,000**) for services to adolescent
13 patients;
- 14 (b) Two Hundred Thousand Dollars (**\$200,000**) for services to female patients;
15 and
- 16 (c) Two Hundred Thousand Dollars (**\$200,000**) for services to male patients.

17 **Section 20. DMHSA Deappropriation/Reappropriation of Funds and**
18 **Implementation of Fee Schedule.** The sum of One Million Eighteen Thousand
19 Dollars (**\$1,018,000**) is hereby deappropriated from the sums appropriated to the
20 Department of Mental Health and Substance Abuse (DMHSA) from the Guam
21 Telephone Authority (GTA) Privatization Proceeds Fund, in Section 1 of Public Law
22 28-65 (detailed in attachment A for facility acquisition, collateral furniture and
23 equipment) and reappropriated to the Department of Mental Health and Substance
24 Abuse to support its operations in Fiscal Year 2006.

1 **Section 21. Establishment of Mental Health Fees and Dedication of Revenues**
2 **to Address the Permanent Injunction in Civil Case No. CV 01-00041, J.C. et al**
3 **v. Governor of Guam et al.** **(a)** *I Liheslaturan Guåhan* finds that due to the

4 permanent injunction in Civil Case No. CV 01-00041, J.C. et al v. Governor of
5 Guam et al., and the pressing need for improved mental health services, it is
6 imperative that additional resources be identified. *I Liheslaturan Guåhan* further
7 finds that one means to provide these additional resources is to allow the Department
8 of Mental Health and Substance Abuse to charge for the services it provides and to
9 earmark revenues therefrom to support financing of the necessary improvements to
10 comply with said permanent injunction, including the establishment of a secure,
11 community based Therapeutic Group Home.

12 **(b)** The Director of Mental Health and Substance Abuse shall establish a fee
13 schedule for mental health services based on fees set forth in the mental health
14 component of the 2005 Medicare Fee Schedule, *provided* that approval for the
15 establishment of these fees is granted by *I Maga'lahen Guåhan*.

16 **(c)** *I Maga'lahen Guåhan*, on behalf of the government of Guam, is authorized
17 to borrow or arrange for a loan or line of credit *not* to exceed Two Million Dollars
18 **(\$2,000,000)**, and to execute a financial agreement with any bank or commercial
19 lending institution licensed on Guam, government of Guam autonomous agency or any
20 other instrumentality of the government of Guam. The terms of the loan or line of credit
21 shall include the following:

- 22 (1) *I Maga'lahen Guåhan* shall use the proceeds of such loan to fund
23 improvements necessary to meet the requirements of the permanent
24 injunction in Civil Case No. CV 01-00041, including the
25 establishment of a community based Therapeutic Group Home;

- 1 (2) prepaid charges shall *not* be levied by the bank or entity for opening
2 a line of credit;
- 3 (3) interest derived from the financial agreement shall be exempt from
4 taxation by the government of Guam;
- 5 (4) all terms of the financial agreement shall be negotiated by *I*
6 *Maga'lalen Guåhan* in the best interest of the people of Guam;
- 7 (5) the interest rate shall be negotiated between *I Maga'lalen Guåhan*
8 and the lender, such interest rate shall *not* exceed seven percent (7%)
9 per annum and shall be computed on a three hundred sixty-five
10 (365) days calendar year upon the actual amount extended to the
11 government, and to be paid annually;
- 12 (6) the loan or line of credit will be secured *solely* by a pledge of the
13 revenues from the Mental Health Fees authorized by this Section
14 and *not* the full faith and credit of the government of Guam; and
- 15 (7) funds necessary for the repayment of the principal, interest and
16 other costs associated with the financing, shall be paid only from the
17 revenues of the Mental Health Fees authorized by this Section.

18 (d) All revenues from the fees authorized in this Section are hereby
19 appropriated for the purposes of paying the principal, interest and other costs
20 associated with the financing on the loan or line of credit authorized pursuant to this
21 Section *or* for other costs related to meeting the requirements of the permanent
22 injunction in Civil Case No. CV 01-00041.

23 (e) Upon establishment of the fees authorized in this Section, the Director of
24 Mental Health and Substance Abuse shall submit to the Speaker of *I Liheslaturan*
25 *Guåhan* monthly reports as to revenues received from these fees and their use in
26 accordance with this Section and shall post the same on the Department's website.

1 (f) The Department of Mental Health and Substance Abuse shall enter into a
2 memorandum of understanding or agreement with the Guam Memorial Hospital
3 Authority for electronic billing operations. Under such agreement, electronic billing
4 operations necessary to implement the fee schedule authorized in this Section shall
5 be provided by the Guam Memorial Hospital Authority, *unless* it is certified by *I*
6 *Maga' lahen Guåhan* that these services can be provided at less cost by a private
7 firm. For purposes of implementing this Section, the Guam Memorial Hospital
8 Authority is authorized to charge a fee for the aforementioned electronic billing
9 services equivalent to the cost incurred for providing such services.

10 **Guam Memorial Hospital Authority**

11 **Section 22. Creation of the Guam Memorial Hospital Authority**

12 **Pharmaceuticals Fund.** Section 26208, Division 2, Chapter 26, Title 11 of the Guam
13 Code Annotated is hereby *repealed* and *reenacted* to read:

14 **“§26208. Creation of the Guam Memorial Hospital Authority**
15 **Pharmaceuticals Fund.** There is hereby created, separate and apart from other
16 funds of the government of Guam, a fund known as the Guam Memorial Hospital
17 Authority Pharmaceuticals Fund. This Fund shall *not* be commingled with the
18 General Fund and shall be kept in a separate bank account. Five and sixty-one
19 hundredths percent (5.61%) of all Gross Receipts Taxes collected in Guam shall
20 be deposited in the Guam Memorial Hospital Authority Pharmaceuticals Fund
21 and shall be appropriated by *I Liheslaturan Guåhan* to fund all pharmaceutical,
22 drug and medicine requirements for Guam Memorial Hospital. The Department
23 of Administration shall deposit, on the last day of each month, a sum equal to
24 five and sixty-one hundredths percent (5.61%) of all Gross Receipts Taxes
25 collected for that month, in the Guam Memorial Hospital Authority
26 Pharmaceuticals Fund.

1 **§26208.1. Appropriation to the Guam Memorial Hospital Authority**
2 **Pharmaceuticals Fund.** The contents of the Guam Memorial Hospital
3 Authority Pharmaceuticals Fund are appropriated to the Guam Memorial
4 Hospital Authority. This appropriation is continuous, contingent on the annual
5 submission of a detailed budget *no later than* January 30 to *I Liheslaturan*
6 *Guåhan*. The Director of Administration shall transfer, on the first day of each
7 month, all funds contained in the Guam Memorial Hospital Authority Subsidy
8 Fund to the Guam Memorial Hospital Authority. Nothing herein shall prohibit *I*
9 *Liheslaturan Guåhan* from appropriating any other supplemental amounts to the
10 Guam Memorial Hospital Authority.”

11 **Section 23. Health Securities Trust Fund, Series B.** The sum of Two
12 Hundred Eighty-three Thousand One Hundred Thirty Dollars **(\$283,130)** is
13 appropriated from the interest earned on the Government of Guam Health Securities
14 Trust Fund, Series B, to the Guam Memorial Hospital Authority Pharmaceuticals to
15 support its operations in Fiscal Year 2006, and One Hundred Thousand Dollars
16 **(\$100,000)** of the Two Hundred Eighty-three Thousand One Hundred Thirty Dollars
17 **(\$283,130)** is to be used by the Education Department of the Guam Memorial Hospital
18 Authority for the *sole* purpose of purchasing patient and community education program
19 materials, supplies and equipment.

20 **Section 24. Transfer and Appropriation of Three Million Five Hundred**
21 **Thousand Dollars (\$3,500,000) in Series 2001B sub-account Health Securities**
22 **Trust funds to Guam Memorial Hospital for Operations.** A new Item (c) is *added*
23 to Section 221204 of Article 12, 5 GCA to read:

24 “(c) The sum of Three Million Five Hundred Thousand Dollars
25 **(\$3,500,000)** is transferred from the present series 2001B sub-account of the Health
26 Securities Trust Fund to the 2001A sub-account and is de-allocated and
27 subsequently appropriated to the Guam Memorial Hospital Authority for support of

1 the operations of the Guam Memorial Hospital. This transfer is conditional upon the
2 approval of bond counsel.”

3 **Section 25. Appropriation for Medical Equipment, Repairs, Renovations**
4 **and Capital Improvements to GMH.** The sum of Seven Million Eight Hundred
5 Thousand Dollars (**\$7,800,000**) is appropriated from FY 2007 General Fund revenues to
6 the Guam Memorial Hospital Authority to fund capital outlays, equipment purchases,
7 repairs, renovations and improvements.

8 **Section 26. Authorization for GMHA Health Care Professional Hourly Per**
9 **Diem Policy.** Section 4 (b) of Public Law 25-121 is hereby *amended* to read as
10 follows:

11 “(b) **Adoption.** The proposed Guam Memorial Hospital Authority’s
12 ‘Health Care Professional Hourly Per Diem Pay Policy’ as contained as
13 Attachment 1 is hereby adopted by *I Liheslaturan Guåhan* for immediate
14 implementation by the Guam Memorial Hospital Authority. The Board of
15 Trustees of the Guam Memorial Hospital Authority shall have the authority to
16 amend the policy pursuant to the Administrative Adjudication Act.”

17 **Section 27. GMHA Mandatory Annual Budget.** Section §80115 of Chapter
18 80 of Title 10 of the Guam Code Annotated, is hereby *amended* to read:

19 “**§80115. Mandatory Annual Budget.**

20 On March 30, 2006 for Fiscal Year 2007, and January 30 for the succeeding
21 fiscal years, the Board shall submit a comprehensive program and financial plan to *I*
22 *Liheslaturan Guåhan* in a budget format utilized by the Bureau of Budget and
23 Management Research for the Executive Branch. The program and financial plan shall
24 contain the information set out in 5 GCA §5106, which is used by Executive Branch
25 departments and agencies. If *I Liheslaturan Guåhan* does not reject the comprehensive

1 program and financial plan by September 30, the program and plan is deemed
2 approved.”

3 **Section 28. Health and Human Services Fund.** Notwithstanding the
4 provisions contained within §221108 and §24108, Title 5 of the Guam Code Annotated,
5 or any other provision of Guam law to the contrary, ninety percent (90%) of the
6 investment proceeds of the Series 2001B Sub-account of the Health and Human
7 Services Fund shall be expended by *I Liheslaturan Guåhan* appropriation for the
8 purposes contained within §221103 and §24103 of Title 5, Guam Code Annotated.

9 **Section 29. Authorization for Community Health Center Chief Pharmacists.**

10 a) **Legislative Findings.** *I Liheslaturan Guåhan* finds that the role of the
11 Community Health Centers within the public health system is increasing in importance
12 with respect to serving general public health needs, providing health care to the
13 indigent, and relieving the burden on the Guam Memorial Hospital Emergency Room.
14 For that reason, *I Liheslaturan Guåhan* finds that this function of the Department of
15 Public Health and Social Services is expected to develop and expand in the coming
16 years and therefore steps need to be taken in order to allow the Community Health
17 Center organizational structure to keep pace with the Community Health Centers’
18 expanding role. One area in which expansion is expected to take place is in the breadth
19 and depth of clinical services provided and, in particular, pharmacy services.

20 b) A new §3108 is *added* to Article 1 of Chapter 3 of Title 10 of the Guam Code
21 Annotated to read:

22 **“§3108. Chief Pharmacists for the Community Health Centers.** The
23 Department of Public Health and Social Services is authorized to have a Chief
24 Pharmacist for the Northern and Southern Community Health Centers and a Chief
25 Pharmacist for the Central Public Health Facility.”

26 **Section 30. Authorization for Eighteen Million Five Hundred Thousand**
27 **Dollars (\$18,500,000) Line of Credit.** *I Maga’lahen Guåhan* is authorized to acquire,

1 on behalf of the Guam Memorial Hospital, FHA Section 242 Program mortgage and
2 bond financing *not to exceed* Eighteen Million Five Hundred Thousand Dollars
3 **(\$18,500,000)** for such improvements to Guam Memorial Hospital as are authorized
4 and permitted under the terms of the FHA Section 242 Program, inclusive of, but not
5 limited to, the authority to execute such pledges and mortgages as are required for
6 participation in said program, *provided*, that legislative approval shall be required *prior*
7 to the execution of any indentures, mortgages or loan documents, and *further provided*
8 that the requirements of Section 28 of this Part shall have been complied with.

9 **Section 31. Plan for Addressing Accounting and Fiscal Management Issues**
10 **as Identified by the Public Auditor.** The Administrator of the Guam Memorial
11 Hospital Authority shall submit, *no later than* one hundred and twenty (120) days from
12 the effective date of this Act, to *I Maga'lahaen Guåhan* and the Speaker of *I*
13 *Liheslaturan Guåhan*, a detailed plan, inclusive of goals, objectives, action steps and
14 specified timelines for the achievement thereof, to address, correct, ameliorate and
15 mitigate all concerns *seriatum* raised by the Public Auditor in recent audits of the fiscal
16 and management operations of the Guam Memorial Hospital Authority.

17 **Section 32. Appropriation from Balance of “Bad Debt” Account.** The sum
18 of One Million Twenty Seven Thousand Five Hundred Twenty-seven Dollars
19 **(\$1,027,527)** is hereby appropriated to the Guam Memorial Hospital Authority for
20 support of operations during FY 2006 of the Guam Memorial Hospital, from amounts
21 appropriated in Section 9, Item (b) of Chapter IV of Public Law 27-106.

22 **Section 33. Hospital Authorized to Promulgate Personnel Rules and**
23 **Regulations and Establish Pay Scales.** Notwithstanding the provisions of Chapters 4
24 and 6 of 4 GCA, a new Subsection (l) is *added* to Section 80104, Chapter 80, Division
25 4, 10 GCA to read:

26 **“(l)** Adopt rules and regulations governing selection, compensation, promotion,
27 performance evaluation, disciplinary action and other terms and conditions of

1 employment affecting personnel, subject to the provisions of the Administrative
2 Adjudication Act. Such rules and regulations shall provide for the employment and
3 retention of persons on the basis of merit, and shall include an orderly and systematic
4 method of recruitment and the establishment of a list of qualified applicants for
5 employment purposes, *except* that compensation for non-medical personnel shall
6 remain consistent with compensation plans and pay scales as determined by the Civil
7 Service Commission or its successor. *Non-medical personnel* are defined as personnel
8 employed by the Authority who are *not* physicians, nurses, medical technicians or
9 technologists, licensed or certificated therapists of any sort, laboratory technicians,
10 personnel certificated in any medical or nursing field, nurse practitioners, pharmacists
11 or other medical personnel.”

12 **Section 34. Acknowledgement of Compact Impact Subsidy.** *I Liheslaturan*
13 *Guåhan* gratefully acknowledges *I Maga’lahen Guåhan’s* generous dedication of Three
14 Million Seven Hundred Thousand Dollars (**\$3,700,000**) in Compact Impact Funds for
15 FY 2006 to the needs of the Guam Memorial Hospital and considers such an additional
16 supplement to the subsidies and assistance given herein.

17 **Section 35. Management Reform.** A new Section 80106(i) is hereby *added to*
18 Title 10 GCA to read:

19 “(i) The Board shall, in accordance with all relevant procurement laws,
20 contract with a professional management firm with at least ten (10) years
21 demonstrated experience in hospital management in the United States, to manage the
22 hospital facility and all of its functions. The management firm shall exercise, on the
23 Board’s behalf, all of the executive authority granted to the Board by the laws of
24 Guam, provided that the Board shall retain its rulemaking authority and shall monitor
25 the firm’s performance of the contract. The contract shall be for a period of five (5)
26 years. *If* the contract is terminated or becomes invalid for any reason, all authority
27 shall revert to the Board, which shall appoint an interim manager until a new

1 contractor is selected. The Board shall determine the firm’s compensation, which
2 shall be paid from the Hospital Operations Fund.

- 3 (1) The management firm shall:
 - 4 (aa) manage the Guam Memorial Hospital Authority in accordance with
5 the laws of Guam;
 - 6 (bb) provide periodic reports to the Board on the operations and
7 functioning of the hospital;
 - 8 (cc) recommend changes in the law to improve the hospital’s functioning
9 and create a written plan to achieve, within five (5) years, JCAHO
10 accreditation for the hospital, with said plan to include benchmarks by
11 which to measure progress towards this goal; and
 - 12 (dd) provide training to hospital staff as shall be specified in the contract.”

13 **Section 36.** The Board shall enter into the contract required by the previous
14 Section *no later than* one hundred eighty (180) days after the enactment hereof.

15 **Section 37. Alternative Reform.** Should the Board of Trustees determine that
16 alternative management reform would be in the best interest of the Hospital, including,
17 *but not limited to*, partnership with another hospital, or any alternative to the
18 methodology as detailed in Section 35 of this Part, the Board of Trustees shall inform *I*
19 *Maga’lahen Guåhan* and *I Liheslaturan Guåhan* of such determination, in writing,
20 within ninety (90) days of the effective date of this Act. Under such circumstances, the
21 provisions of Section 35 of this Part shall be suspended, *provided* that such written
22 notification shall include, at a minimum, a detailed description of such management
23 reform alternative selected and a timeline for implementation.

24 **Section 38. Remediation of Poor Collection Rates.** Within ninety (90) days
25 of the effective date of this Act, the Administrator of the Guam Memorial Hospital
26 Authority shall transmit to *I Maga’lahen Guåhan* and the Speaker of *I Liheslaturan*
27 *Guåhan* a plan for the remediation of poor collection rates as experienced by the

1 Authority. Such plan shall include such items as self-pay and non-paying customers,
2 methods to improve collections from MIP, unfavorable settlement rates with insurance
3 providers and addressing poor reimbursement rates from Medicare.

4 **Section 39. Guam Environmental Protection Agency.**

5 (a) **Guam Environmental Protection Agency.** The sum of One Hundred
6 Eighty-one Thousand Two Hundred Twenty-one Dollars (**\$181,221**) is appropriated
7 from the Federal Matching Grants-in-Aid to the Guam Environmental Protection
8 Agency for its operations in Fiscal Year 2006.

9 (b) **Waste Reduction Education Strategy.** The sum of Twenty Thousand
10 Dollars (**\$20,000**) is appropriated from the General Fund to the Guam Environmental
11 Protection Agency's Solid Waste Management Fund for use in the Information Services
12 Branch to conduct the Waste Reduction Education Strategy which focuses heavily on
13 student outreach in different grade levels of public and private schools and to facilitate
14 demonstration projects and service learning opportunities within schools in Fiscal Year
15 2006.

16 (c) **HASSO Guam Program.** The sum of Ten Thousand Dollars (**\$10,000**) is
17 appropriated from the General Fund to the Guam Environmental Protection Agency's
18 Solid Waste Management Fund for use in the Solid Waste Management Division for
19 public outreach to support HASSO Guam Program in their collection of household
20 hazardous waste in Fiscal Year 2006.

21 (d) **Air Pollution Control Special Fund.** The sum of Two Hundred Fourteen
22 Thousand One Hundred Twenty-nine Dollars (**\$214,129**) is appropriated from the Air
23 Pollution Control Special Fund (P.L. 24-322, Section 1104.22) to the Guam
24 Environmental Protection Agency, for Fiscal Year 2006, for equipment, supplies,
25 utilities, miscellaneous, contractual, and capital outlay. This appropriation shall *not*
26 lapse and shall apply to all operations of the Agency.

1 **(e) Guam Environmental Trust Fund.** The sum of One Hundred Forty-one
2 Thousand Four Hundred Seventy-six Dollars (**\$141,476**) is appropriated from the Guam
3 Environmental Trust Fund (10 GCA, Chapter 45, §45200), for Fiscal Year 2006, to the
4 Guam Environmental Protection Agency, for contractual, equipment, miscellaneous and
5 capital outlay.

6 **(f) Water Research and Development Fund.** The sum of Sixty-one
7 Thousand Fifty-four Dollars (**\$61,054**) is appropriated from the Water Research and
8 Development Fund (P.L.22-47, 10 GCA Chapter 46, §46116) to the Guam
9 Environmental Protection Agency, for Fiscal Year 2006, for contractual services,
10 supplies, equipment, miscellaneous and capital outlay.

11 **(g) Water Protection Fund.**

12 **(i)** The sum of Fifty-two Thousand Three Hundred Forty Dollars
13 (**\$52,340**) is appropriated from the Water Protection Fund (P.L. 25-152, Rules
14 and Regulations, §10108G) to the Guam Environmental Protection Agency, for
15 Fiscal Year 2006, for contractual, equipment, supplies and capital outlay.

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

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CHAPTER II.

PART IV – ROAD AND POTHOLE REPAIR.

Section 1. A new Section 1513 is hereby *added* to 5GCA to read:

“§1513. 2005 Revenue Road and Pothole Repair Bonds.

(a) Authorization of Issuance of Revenue Road and Pothole Repair Bonds. *I Maga’lahen Guåhan* is authorized to issue new bonds of the government of Guam in an aggregate principal amount *not to exceed* Twenty-Six Million Six Hundred Eight Thousand Dollars (**\$26,608,000**) for the purposes of funding all or a portion of the road and pothole repair projects described herein, and paying expenses incurred in connection with the issuance of such new bonds; provided, however, that the issuance of the new bonds shall not cause a violation of the debt limitation provisions of 48 U.S.C. §1423a.

(b) Terms and Conditions Determined by Indenture. The terms and conditions of the bonds shall be as determined by *I Maga’lahi* by the execution of an indenture securing the bonds upon or prior to the issuance of the bonds. The indenture shall contain such terms and conditions as are consistent with this Section.

(c) Valid and Binding Obligation. To the extent that the debt limitation provisions of 48 U.S.C. §1423a are not violated, any bonds authorized by this Section shall constitute the valid and legally binding limited obligations of the government of Guam payable solely from and secured by a pledge of the revenues pledged pursuant to Subsection (d) of this Section.

(d) Pledge of Revenues; Not a General Obligation. There is established the Road and Pothole Repair Fund, hereinafter known as the ‘RPRF’. Notwithstanding the provisions of Section 7161, 16 GCA, all fees deposited and maintained in the Street Light Fund shall be transferred and henceforth, deposited and maintained in the RPRF. All revenues contained in the RPRF may be

1 pledged to secure the repayment of any bonds issued under this Section and to
2 pay costs incurred in the issuance or administration of the bonds. Any pledge
3 made to secure the bonds shall be valid and binding from the time the pledge is
4 made. The revenues pledged and thereafter received by the government of Guam
5 or by any trustee, depository or custodian shall be deposited in a separate account
6 and shall be immediately subject to the lien of such pledge without any physical
7 delivery thereof or further act, and the lien of such pledge shall be valid and
8 binding against all parties having claims of any kind in tort, contract or otherwise
9 against the government of Guam or such trustee, depository or custodian,
10 irrespective of whether the parties have notice thereof. The indenture or
11 agreement by which such pledge is created need not be recorded. All such fees
12 and penalties, to the extent so pledged, are hereby continuously appropriated for
13 such purpose. Any annual balances in the RPRF not required for annual debt
14 service, on an annual basis, or such other use as detailed in the indenture may be
15 reverted to the Abandoned Vehicle/Streetlight Fund. The bonds shall not be, and
16 shall state on their face that they are not, general obligations of the government of
17 Guam.

18 **(e) Waiver of Immunity.** Notwithstanding any substantive or procedural
19 provision of Chapter 6 of Title 5 of the Guam Code Annotated, the government
20 of Guam waives immunity from any suit or action in contract on the bonds, but
21 does *not* waive sovereign immunity as to the personal liability of elected officials
22 and employees of the government of Guam.

23 **(f) Form of Bonds; Covenants; Appointment of Fiduciaries.** The technical
24 form and language of the bonds, including provisions for execution, exchange,
25 transfer, registration, paying agency, lost or mutilated bonds, negotiability,
26 cancellation and other terms or conditions not inconsistent with this Section,
27 including covenants relating to the maintenance of revenues, shall be as specified

1 in the indenture approved by *I Maga'lahi*, authorizing the issuance of the bonds.
2 The indenture may appoint one (1) or more trustees or other fiduciaries
3 authorized to receive and hold in trust the proceeds of the bonds and revenues
4 relating thereto, to protect the rights of bondholders and to perform such other
5 duties as may be specified in the indenture. *I Maga'lahi* is also authorized to
6 execute, on behalf of the government of Guam, any appropriate agreements,
7 certificates or other instruments relating to the bonds, the sale of the bonds and
8 payment of the bonds being refunded. The indenture shall be subject to the
9 approval of *I Liheslaturan Guåhan*.

10 **(g) Authorization for Credit Enhancement.** *I Maga'lahi* is authorized to
11 enter into such contracts or agreements with such banks, insurance companies or
12 other financial institutions as he determines are necessary or desirable to improve
13 the security and marketability of the bonds issued under this Section. Such
14 contracts or agreements may contain an obligation to reimburse, with interest,
15 any such banks, insurance companies or other financial institutions for advances
16 used to pay principal or interest on the bonds. Any such reimbursement
17 obligation shall be payable *solely* from, and may be secured by a pledge of, the
18 revenues described in Subsection (d) of this Section.

19 **(h) Use of Proceeds from the Sale of the Bonds.** Proceeds from the sale of
20 the bonds shall be used *solely* to fund all or a portion of the projects enumerated
21 in Subsection (j) of this Section, and to pay expenses relating to the authorization,
22 sale and issuance of the bonds and the payment of the bonds being refunded,
23 including, without limitation, printing costs, costs of reproducing documents,
24 bond insurance premiums, underwriting, legal and accounting fees and charges,
25 fees paid to banks or other financial institutions providing credit enhancement,
26 costs of credit ratings, fees and charges for execution, transportation and
27 safekeeping of bonds, escrow agent fees and other costs, charges and fees in

1 connection with the issuance, sale and delivery of the bonds and the payment of
2 the bonds being refunded.

3 **(i) No Personal Liability Except for Failure to Perform Ministerial Duty.**

4 No employee or elected official of the government of Guam shall be individually
5 or personally liable for the payment of any amounts due on any bonds issued
6 under this Section, or for any other liability arising in connection with the bonds;
7 provided, however, that nothing in this Section shall relieve any employee or
8 elected official from the performance of any ministerial duty required by law.

9 **(j) Proceeds.** The proceeds shall be expended for the following road and
10 pothole repair projects:

- 11 1. Repair of potholes not determined to be caused by the Guam
12 Waterworks Authority or its contractors, the Guam Power Authority or its
13 contractors, or any autonomous agency of the government of Guam or its
14 contractors, as determined by the Director of Public Works. The Director
15 of Public Works shall prioritize the order in which potholes shall be
16 repaired, taking into account usage of the effected road or highway,
17 severity of the pothole and risk to public safety.

18
19 **SUBTOTAL** **\$11,000,000.00**

- 20
21 2. Repairs to secondary and tertiary roads in Guam in accordance with the
22 following table:

Mayoral Listing by Priority	Public Secondary/Tertiary Road Listing	Project Distance (Miles)	Project Appropriation Cost
	Agana Heights		
1	Tutujan Drive/Chalan Canton Tutujan	0.12	\$36,000.00
2	Joseph Cruz/Chalan Macajna	0.19	\$57,000.00
3	Fonte Drive	0.08	\$24,000.00
4	Vicente Salomon Drive	0.06	\$18,000.00
5	Niyog Drive	0.12	\$36,000.00
6	Patnetos Drive	0.08	\$24,000.00
7	Francisco Javier Avenue	0.08	\$24,000.00
8	Dadik Lane	0.06	\$18,000.00
9	Chargualaf Drive	0.06	\$18,000.00
	Municipality Subtotals:	0.85	\$255,000.00
	Agat		
1	Erskin Drive	0.31	\$93,000.00
2	San Vicente Avenue	0.25	\$75,000.00
3	Calle De Los Marteres	0.16	\$48,000.00
4	Father Follard Street	0.25	\$75,000.00
5	Duenas Street	0.17	\$51,000.00
6	San Rogue Street	0.31	\$93,000.00
7	San Isidro Street	0.11	\$33,000.00
8	West Santa Ana Street	0.25	\$75,000.00
9	Bruce Street	0.06	\$18,000.00
10	Perry Street	0.06	\$18,000.00
11	Kalachucha Street	0.20	\$60,000.00
12	Umang Road	0.20	\$60,000.00
13	Kiko Chela Road	0.06	\$18,000.00
14	South Perino Street	0.06	\$18,000.00
15	Santa Cruz Street	0.32	\$96,000.00
16	San Antonio De Padua Circle	0.11	\$33,000.00
17	Pagachao Drive	0.25	\$75,000.00
18	Chalan Kiko Chelo	0.25	\$75,000.00
	Municipality Subtotals:	3.38	\$1,014,000.00
	Asan-Maina		

Mayoral Listing by Priority	Public Secondary/Tertiary Road Listing	Project Distance (Miles)	Project Appropriation Cost
1	Maria Candelaria Street. - Maina	0.25	\$75,000.00
2	Sene'so Field Road - Maina	0.13	\$39,000.00
3	Kalackac Road - Asan	2.00	\$600,000.00
	Municipality Subtotals:	2.38	\$714,000.00
	Barrigada		
1	<i>Layang Road</i>	1.10	\$330,000.00
	Manibusan Street, Akaide Street, Cruz Street, and Pickle Symer Street, Caderon Street	0.42	\$126,000.00
2	Chalan Brandi - Canada	0.40	\$120,000.00
3	Canada Toto Road, Harris	0.20	\$60,000.00
4	Aspenago Street	0.30	\$90,000.00
5	Kaila Street	0.20	\$60,000.00
6	San Antonio Street	0.60	\$180,000.00
7	Anderson Street - Lalo	0.30	\$90,000.00
8	Leon Guerrero Street - Leyang	0.20	\$60,000.00
9	Manibusan Street - Radio	0.30	\$90,000.00
10	Joleen L.G. Street	0.60	\$180,000.00
11	East Route 8 (PC Lujan)	0.60	\$180,000.00
12	Jackson Road	0.15	\$45,000.00
13	Jackson Street	0.50	\$150,000.00
14	Taison Way	0.19	\$57,000.00
15	Guzman Way	0.80	\$240,000.00
16	North Sabana Drive	0.30	\$90,000.00
17	Tun Juan White Street	0.35	\$105,000.00
18	Unnamed Street - Intersecting Nalao Place	0.03	\$9,000.00
	Municipality Subtotals:	7.54	\$2,262,000.00
	Chalan Pago/Ordot		
1	Tai Road	1.00	\$300,000.00
2	Manibusan Road	1.00	\$300,000.00
3	Victorian Road	0.25	\$75,000.00
4	Chalan Peskadot	0.50	\$150,000.00

Mayoral Listing by Priority	Public Secondary/Tertiary Road Listing	Project Distance (Miles)	Project Appropriation Cost
5	Scout Mike Laguana Road	0.25	\$75,000.00
6	Chalan Okso	0.50	\$150,000.00
7	Padiron - Tai Connector Road	3.00	\$900,000.00
8	Gogue Drive	0.25	\$75,000.00
9	Chalan Naki	0.50	\$150,000.00
10	Chalan Fama	2.20	\$1,700,000.00
11	Dero Road (after the Ordot dump)	0.60	\$180,000.00
12	Chalan Happy	0.04	\$12,000.00
13	Daso Road	0.06	\$18,000.00
14	Chalan Ping Pago	0.08	\$24,000.00
15	Chalan Campos	0.04	\$12,000.00
16	Santa Cruz Drive	0.19	\$57,000.00
17	Chalan Kalo - Judge Sablan Street	0.20	\$60,000.00
	Municipality Subtotals:	10.66	\$4,238,000.00
	Dededo		
1	Castro Street (1/2 of road with CLTC)	0.30	\$90,000.00
2	South Caldiola (CLTC)	0.60	\$180,000.00
3	Adora Street (CLTC)	0.30	\$90,000.00
4	Stamp Road (CLTC)	0.80	\$240,000.00
5	East/West Liguana Avenue	0.40	\$120,000.00
6	West Nandez Avenue (CLTC)	0.50	\$150,000.00
7	Chalan Koda	1.00	\$300,000.00
8	Never Mind Road (CLTC)	0.60	\$180,000.00
9	North Ukudo Street	0.60	\$180,000.00
10	Algeta Street	1.00	\$300,000.00
11	<i>Y-Sengsong Road area</i>		
	Chalan I Natibu .05, Atbot de Fuego Street .04	0.90	\$270,000.00
12	<i>Machanaonao area</i>		
	Chalan Disipulu .3, Chalan Kareta .4, Kayon Cocora .3, Kayon Dalalai .5, Radha Bhojwani Court .4	1.90	\$570,000.00
13	<i>Machanao area</i>		

Mayoral Listing by Priority	Public Secondary/Tertiary Road Listing	Project Distance (Miles)	Project Appropriation Cost
	Bisaya Road .2, Jalloria Street .3, Chalan Encio .3, Cactus Lane .2, Chalan Espinosa .2, Lucky Road .2	1.40	\$420,000.00
14	Santa Lourdes Street	0.20	\$60,000.00
15	Hegao Loop	0.10	\$30,000.00
	Municipality Subtotals:	10.60	\$3,180,000.00
	Hagatna		
1	East/West Obrien Drive	1.50	\$450,000.00
2	Chalan Santo Papa	0.20	\$60,000.00
3	Archbishop Flores Street	0.30	\$90,000.00
4	Aspinall Avenue	0.80	\$240,000.00
5	Hessler Place	0.20	\$60,000.00
6	Hernan Cortez Avenue	0.20	\$60,000.00
7	West Soledad Avenue	0.20	\$60,000.00
8	Santa Cruz Lane	0.20	\$60,000.00
9	Olaiz Street	0.20	\$60,000.00
10	Bradley Place	0.20	\$60,000.00
11	Dulce Nombre Maria Street	0.20	\$60,000.00
12	Murry Boulevard	0.20	\$60,000.00
13	Tenth Street	0.20	\$60,000.00
14	Ninth Street	0.20	\$60,000.00
15	Eighth Street	0.20	\$60,000.00
16	Seventh Street	0.20	\$60,000.00
17	Sixth Street	0.20	\$60,000.00
18	Anecito Street	0.20	\$60,000.00
19	Fifth Street	0.20	\$60,000.00
20	Padre Palomo Street	0.20	\$60,000.00
21	Castillo Drive	0.20	\$60,000.00
22	Father Duenas Avenue	0.20	\$60,000.00
23	Seaton Boulevard	0.20	\$60,000.00
	Municipality Subtotals:	6.60	\$1,980,000.00
	Inarajan		
1	Ija Subdivision (All roads)	2.00	\$1,500,000.00

Mayoral Listing by Priority	Public Secondary/Tertiary Road Listing	Project Distance (Miles)	Project Appropriation Cost
2	Y-Peca Lane	0.05	\$15,000.00
3	Y-Peca Lane road re-alignment (existing road on private property)	0.06	\$42,000.00
4	Tun Santiago North Paulino Street	0.12	\$36,000.00
5	Tun Jose L. San Nicolas Street	0.48	\$144,000.00
6	Barcinas Drive	0.05	\$15,000.00
7	Tun Jesus Crisostomo	0.10	\$30,000.00
8	Chalan Chandia	0.10	\$30,000.00
9	Tinaga Lane	0.07	\$21,000.00
10	Chalan Guefan	0.20	\$60,000.00
11	Papaya Lane	0.06	\$18,000.00
12	Cepeda Drive	0.07	\$21,000.00
13	Chalan Laman	0.05	\$15,000.00
14	Friholes Street	0.03	\$9,000.00
15	Roy Meno Street	0.04	\$12,000.00
16	Bear Rock Lane	0.06	\$18,000.00
17	Ben Diego Road	0.06	\$18,000.00
18	Malojloj Well Drive	0.10	\$30,000.00
19	Tun Enemicio & Regina Diego Drive	0.05	\$15,000.00
	Municipality Subtotals:	3.75	\$2,049,000.00
	Mangilao		
1	Farfan Street	1.50	\$450,000.00
2	Spanish Road	1.00	\$300,000.00
3	Sengsong Street	1.00	\$300,000.00
4	Kinney Drive / Arriola Court	2.00	\$600,000.00
5	Sabana Maagas	2.00	\$600,000.00
6	Santos Road	1.50	\$450,000.00
7	Apiag Road	0.75	\$225,000.00
8	Lemon Lane	1.00	\$300,000.00
9	Suni Lane	1.00	\$300,000.00
10	Juan Muna-Mamis Street	0.05	\$15,000.00
11	Sietbro Road	0.30	\$90,000.00
12	Koko Lane	0.50	\$150,000.00

Mayoral Listing by Priority	Public Secondary/Tertiary Road Listing	Project Distance (Miles)	Project Appropriation Cost
13	Washington Drive	2.00	\$600,000.00
14	Baza Lane	0.75	\$225,000.00
15	Cadena Lane	0.50	\$150,000.00
16	Lalo Street	1.00	\$300,000.00
17	Tum Ramon Street	0.75	\$225,000.00
18	Mandarin Street	1.50	\$450,000.00
19	Costa Lane	0.75	\$225,000.00
20	Bilmar Court	1.00	\$300,000.00
21	Dimas Street	0.50	\$150,000.00
	Municipality Subtotals:	21.35	\$6,405,000.00
	Merizo		
1	Joseph A. Cruz Avenue (Pigua)	1.00	\$300,000.00
2	Benny T. Espinosa Avenue (Geus)	0.50	\$150,000.00
3	Jesus Quinene Road	1.00	\$300,000.00
4	Geronimo Tainatongo Street	0.14	\$42,000.00
5	Pedro Tainatongo Street	0.05	\$15,000.00
6	Jose Baza Street	0.08	\$24,000.00
7	Chalan J. Lujan	0.05	\$15,000.00
8	Vicente Quitugua Street	0.05	\$15,000.00
9	Chuck McJohn Street	0.05	\$15,000.00
10	Fred B. Quinene Road	0.12	\$36,000.00
	Municipality Subtotals:	3.04	\$912,000.00
	Mongmong/Toto/Maite		
1	Clara Road (Reconstruction)	0.80	\$1,500,000.00
2	North Old George Washington Road	0.30	\$90,000.00
3	J. A. Camacho Street	0.40	\$120,000.00
4	South Old George Washington Road	0.20	\$60,000.00
5	Biang Street/Casimero St. (Anti-skid paving)	0.22	\$44,000.00
6	Tuba Street	0.20	\$60,000.00
7	Torres Street	0.30	\$90,000.00
8	Balaku Street	0.30	\$90,000.00
9	Taluba Street	0.30	\$90,000.00

Mayoral Listing by Priority	Public Secondary/Tertiary Road Listing	Project Distance (Miles)	Project Appropriation Cost
10	Aragon Street (Anti-skid paving)	0.11	\$21,000.00
11	Manibusan Street	0.50	\$150,000.00
12	Robat Street	0.50	\$150,000.00
13	South Peperu Street	0.60	\$180,000.00
14	Bihu Street	0.30	\$90,000.00
15	Duendes Street	0.30	\$90,000.00
16	Martinez Lane	0.10	\$30,000.00
	Municipality Subtotals:	5.43	\$2,855,000.00
	Piti		
1	Ocean Street	0.17	\$51,000.00
2	Chalan Soling	0.12	\$36,000.00
3	Chalan Sabana	0.17	\$51,000.00
4	Masso Court	0.15	\$45,000.00
5	Edward Lane	0.17	\$51,000.00
6	Jesus Alig Drive	0.17	\$51,000.00
7	Ocean Summit Drive	0.22	\$66,000.00
8	Ocean Summit Drive (100 ft. of existing coral rd. is on private property, roads need re-alignment)	0.02	\$75,000.00
9	Turner Road	1.00	\$300,000.00
10	Juan Isabel Street	0.05	\$15,000.00
11	J.C. Santos Street	0.10	\$30,000.00
12	Assumption Drive	0.08	\$24,000.00
13	Scharff Street	0.05	\$15,000.00
14	Manga Street	0.12	\$36,000.00
	Municipality Subtotals:	2.59	\$846,000.00
	Santa Rita		
1	Joaquin Diaz Drive (Route 17)	0.05	\$15,000.00
2	Cross Island Road Atenta	0.06	\$18,000.00
3	Felix T. Dysdasco Drive	0.08	\$24,000.00
4	Vicente Borja Drive	0.10	\$30,000.00
5	Juan Cruz Drive	0.24	\$72,000.00
6	Pale Medina Street	0.07	\$21,000.00

Mayoral Listing by Priority	Public Secondary/Tertiary Road Listing	Project Distance (Miles)	Project Appropriation Cost
7	Sgt. E. Cruz Street	0.23	\$69,000.00
8	Namo Falls Road	0.18	\$54,000.00
9	Blas Dela Cruz Street	0.26	\$78,000.00
10	Aga Drive	0.21	\$63,000.00
11	Sgt. E. Cruz Street	0.21	\$63,000.00
12	Pahong Drive	0.13	\$39,000.00
13	Lalangita Drive	0.14	\$42,000.00
14	Pale Ferdinand Way	0.53	\$159,000.00
15	Joaquin D. Perez Drive	0.50	\$150,000.00
16	Pale Duenas Haya	0.48	\$144,000.00
17	Pale Eugenio Haya	0.10	\$30,000.00
18	Pale Eugenio Lago	0.11	\$33,000.00
19	Juan P. Sarmiento Street	0.48	\$144,000.00
20	Vicente D. Lizama Drive	0.10	\$30,000.00
	Municipality Subtotals:	4.26	\$1,278,000.00
	Sinajana		
1	Afame Road	0.50	\$150,000.00
2	Daso Road	0.30	\$90,000.00
3	Spring Lane	0.20	\$60,000.00
4	Nungi Street	0.20	\$60,000.00
5	Unnamed Street (Intersecting Nungi Street)	0.10	\$30,000.00
6	NW Spring Lane	0.10	\$30,000.00
7	Alvarez Road	0.10	\$30,000.00
8	Agana Spring / Lucio Road	1.00	\$300,000.00
9	Pale Kieran Drive (Anti-skid paving)	0.60	\$120,000.00
	Municipality Subtotals:	3.10	\$870,000.00
	Talofoto		
1	Route 4A, San Miguel Street-Ernest Santos Street	0.30	\$90,000.00
2	Route 4A-Jose P. Cruz Street	0.43	\$129,000.00
3	West Johnny Taitague	0.08	\$24,000.00
4	Mariano Blas Street	0.08	\$24,000.00

Mayoral Listing by Priority	Public Secondary/Tertiary Road Listing	Project Distance (Miles)	Project Appropriation Cost
5	Ipan, Talofoto Perez Hts .25 , Cruz Hts .76, Pacha-Don Dei Dr .40, Paulino Hts (North-South) .53, Padua Lane .25	2.19	\$657,000.00
6	Cabrera Lane	0.10	\$30,000.00
7	Nauta Lane	0.08	\$24,000.00
8	Ralph P. Santos Street	0.12	\$36,000.00
9	Ralph Benavente Street	0.10	\$30,000.00
10	Dave Gorton Street	0.30	\$90,000.00
11	Chalan Mapao	0.20	\$60,000.00
12	Chalan Fena	0.20	\$60,000.00
13	West Manuel Mantanona Lane	0.10	\$30,000.00
14	Ignacio P. Quitugua Street	0.49	\$147,000.00
15	Leonardo Tenorio Street	0.34	\$102,000.00
16	Francisco A. Reyes Avenue	0.60	\$180,000.00
17	Route 4 (Anti-skid paving from Jeff's Pirates Cove to Ipan Mobil)	0.40	\$117,000.00
	Municipality Subtotals:	6.11	\$1,830,000.00
	Tamuning		
1	Anthurium Lane	0.30	\$90,000.00
2	Milindes Court / Street John Street	1.20	\$360,000.00
3	Tun Pedro Cruz Street	0.40	\$120,000.00
4	Adrian Sanchez Street	1.30	\$390,000.00
5	Taitano Road	0.60	\$180,000.00
6	Happy Landing Road (Old San Vitores Road)	0.50	\$150,000.00
7	Harmon Industrial Park (East & West)	1.20	\$360,000.00
8	Carlos Heights Road	0.60	\$180,000.00
9	Jones Town (All Roads)	2.50	\$750,000.00
10	Jalaguac Road	0.20	\$60,000.00
11	Manuel C. Rivera Street	0.20	\$60,000.00
12	Tan Conchita Lane	0.20	\$60,000.00

Mayoral Listing by Priority	Public Secondary/Tertiary Road Listing	Project Distance (Miles)	Project Appropriation Cost
13	Black Construction Road	0.20	\$60,000.00
	Municipality Subtotals:	9.40	\$2,820,000.00
	Umatac		
1	S-7 Mahamok area	0.30	\$90,000.00
2	Jagan Drive	0.06	\$18,000.00
3	Jose A. Quinata Street (cemetery)	0.30	\$90,000.00
4	Jose Q. Aguon Street	0.30	\$90,000.00
5	George S. Sanchez Court	0.13	\$39,000.00
6	Jesus A. Quidachay Street	0.05	\$15,000.00
7	Unnamed Street, public easement (access to residence: Vivian Esteves)	0.05	\$15,000.00
8	Unnamed Street, public easement (access to residence: Eileen Celoso)	0.05	\$15,000.00
9	Unnamed Street, public easement (access to residence: Trini Halmi)	0.19	\$57,000.00
10	Unnamed Street, public easement (access to residence: Clare Gofigan)	0.11	\$33,000.00
11	Nino Perdido Street	0.15	\$45,000.00
	Municipality Subtotals:	1.69	\$507,000.00
	Yigo		
1	Juan Jacinto - Wusstig Road	0.39	\$117,000.00
2	Juan Jacinto (Anti-skid)	0.10	\$20,000.00
3	East Gayinero Subdivision (Sylvia S.M. Borja Street, Tun Ramon Flores Street, Charles Flores Street, East Gayinero Court) Gayinero Subdivision 1.75	2.90	\$870,000.00
4	West Gayinero Road (Anti-skid)	0.10	\$20,000.00
5	Lamenta Subdivision Road	0.20	\$60,000.00
6	Emsley Subdivision (Chalan Untalan, Chalan Ahgao, Chalan Abas, Chalan Mendioka, Kayen Markie, Chalan Kadi, Chalan Plumeria Luchan & Kattan)	0.80	\$240,000.00

Mayoral Listing by Priority	Public Secondary/Tertiary Road Listing	Project Distance (Miles)	Project Appropriation Cost
7	Bhojwani Subdivision & Gill Baza Subdivision (All Roads)	2.50	\$750,000.00
8	Agafa Gumas/Machananao Area-Chalan Abubu, Kahet Avenue, Lila Avenue	2.00	\$600,000.00
9	North Jose F. San Nicolas St. / South Jose F. San Nicolas St. / East As' Diaz St. & all roads connected (Gollo area)	0.50	\$150,000.00
10	Laguna Plains Subdivision (Chalan Gehalom, Chalan Kirida, Chalan Felix Remedio)	0.70	\$210,000.00
11	La Chance area (Chalan Mamis, Chalan Adams, Kayen Mepa, Kayen Mendiola, Chalan Y'Tranka, Chalan Bilimbines) Chalan Atis, Chalan Sungo, Chalan Lemai	0.50	\$150,000.00
12	I Seng Song Mayot (front gate to AAFB)	0.50	\$150,000.00
13	Kayen G.G. Perez, Chalan Manuel Helen	0.90	\$270,000.00
14	Areas Along Marine Corp Drive-Ojeda Way, Chalan Tun Ignacio Chana, David Flores Court	0.29	\$87,000.00
15	Chalan Paharu (Chalan Mansanita)	0.80	\$240,000.00
16	Lupog (Chalan Luis Tugon, Chalan Padiron Lagu, Chalan Sylvia, Chalan Fatima)	0.19	\$57,000.00
17	Mataguac Area (Chalan Dibidi, Chalan Maanao, Chalan Familian Flores, Kayen Banaderu), Sabanan Mataguac Estates	1.70	\$510,000.00
18	Ana Manet Subdivision (Chalan Josen Tan Ana, Chalan Manuel Tan Ana)	0.12	\$36,000.00

Mayoral Listing by Priority	Public Secondary/Tertiary Road Listing	Project Distance (Miles)	Project Appropriation Cost
19	Along Rt. 15 (Chalan Padiron Laga) Tun Akin Cabesa, Taitano Nursery, Tun Vicente Affleje Street)	0.19	\$57,000.00
20	Mt. Santa Rosa-Chobito, Chalan Henry Flores, Chalan Tun Vicente, Joaquin Tugon Road, Gloria Way	0.19	\$57,000.00
21	Salas I Subdivision (Chalan Hiteny, Chalan Laggua)	0.13	\$39,000.00
22	Takano Subdivision-Bobbie Lane, Chalan Tun Luis Takano	0.19	\$57,000.00
23	Bordallo Subdivision-Kayen Maipe, Chalan Tan Pai	0.11	\$33,000.00
24	Salas II Subdivison-Kayen Finalagu, Kayen Apreta	0.11	\$33,000.00
	Municipality Subtotals:	16.11	\$4,813,000.00
	Yona		
1	Willy Quichocho Road	0.11	\$33,000.00
2	Manenngon Road or Aguon Road	1.00	\$300,000.00
3	Chaco-Pocaigue Road	0.13	\$39,000.00
4	Teleforo Road	0.50	\$150,000.00
5	Ayuyu Road	0.08	\$24,000.00
6	Balajadia and Pangelinan Road	0.12	\$36,000.00
7	Fair Way Drive	0.10	\$30,000.00
8	Fair Way Drive (Road re-alignment, existing road on private property)	0.02	\$90,000.00
9	Rt. 4 / Rt. 17 (Intersection anti-skid paving)	0.38	\$120,000.00
	Municipality Subtotals:	2.44	\$822,000.00
	Grand Total:	121.28	\$39,650,000.00

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(k) **Unused and Unexpended Sum Reprogramming of the Limited Obligation Highway Refunding Bond.** A new Item 10 is appended to §1504(j)

1 of Article 5, Chapter 1, Division 1 of Title 5 of the Guam Code Annotated to
2 read:

3 “10. The unused and unencumbered bond proceed balance; to the extent
4 of any bond proceeds not required and unexpended for the projects listed in Items
5 (1) through (9) of this Subsection (j); and the interest earned upon or any profits
6 derived from the sale of bond investments cumulatively deposited and made a
7 part of the Capital Projects Fund of the Territorial Highway Fund (aka Guam
8 Highway Fund) of which the government of Guam is authorized to use and
9 expend by legislative appropriation for capital improvement road and
10 infrastructure projects.”

11 **(I) Appropriation of Unreserved Balance of Capital Projects Fund of the**
12 **Territorial Highway Fund.** The sum of Twenty Four Million Forty Two Thousand
13 Dollars (**\$24,042,000**) is hereby appropriated from the unreserved and unexpended
14 balance of the Capital Projects Fund of the Territorial Highway Fund (aka Guam
15 Highway Fund) to the Department of Public Works for the purpose of funding various
16 island wide capital improvement road projects. *No* funds appropriated in this Subsection
17 shall be used for any other purpose than for the road and pothole repair projects detailed
18 in Subsection (j) of this Section.”

1 **CHAPTER II.**

2 **PART V - EXECUTIVE BRANCH APPROPRIATIONS.**

3 **Section 1. (a) Guam Election Commission.** The sum of Three Hundred
4 Forty-six Thousand Seven Hundred Eighty-two Dollars (**\$346,782**) is appropriated from
5 the General Fund to the Guam Election Commission for its operations in Fiscal Year
6 2006.

7 **(b) Local Matching requirements of the Guam Election Commission.**

8 **(i)** The sum of Fifty Thousand Dollars (**\$50,000**) is appropriated from
9 the General Fund, for Fiscal Year 2006, to the Guam Election Commission for
10 the purpose of providing five percent (5%) local matching funds in order to
11 obtain a Federal grant of approximately One Million Dollars (**\$1,000,000**). The
12 funds will be utilized to provide electronic voting by 2006.

13 **(ii)** The sum of One Million Dollars (**\$1,000,000**) is appropriated from
14 Federal Matching Grants-in-Aid to the Guam Election Commission for its
15 operations in Fiscal Year 2006.

16 **(iii)** *If* no Federal match is received in Fiscal Year 2006, the amount
17 appropriated in (a) above shall *revert* to the General Fund.

18 **Section 2. Department of Administration. (a)** The sum of Seven Million
19 Four Hundred Fifty-nine Thousand Five Hundred Seven Dollars (**\$7,459,507**) is
20 appropriated from the General Fund to the Department of Administration for its
21 operations in Fiscal Year 2006.

22 **(b)** Notwithstanding any other provision of law, the sum of One Million Five
23 Hundred Thousand Dollars (**\$1,500,000**) is appropriated from the Guam Highway Fund
24 to the Department of Administration for the operations of the Guam Mass Transit
25 Authority in Fiscal Year 2006.

26 **(c)** The sum of Four Hundred Three Thousand Three Hundred Seventy-seven
27 Dollars (**\$403,377**) is appropriated from the General Fund to the Department of

1 Administration *specifically* for the nine (9) personnel transferred from the Civil Service
2 Commission to the Department of Administration beginning January 1, 2006.

3 **Section 3. Department of Revenue and Taxation.** (a) The sum of Seven
4 Million Nine Hundred Sixty-six Thousand Six Hundred Eight Dollars (**\$7,966,608**) is
5 appropriated from the General Fund to the Department of Revenue and Taxation for its
6 operations in Fiscal Year 2006.

7 (b) The sum of Forty-nine Thousand Five Hundred Dollars (**\$49,500**) is
8 appropriated from the Healthy Futures Fund to the Department of Revenue and
9 Taxation for additional personnel to monitor the island's inventory of tobacco and
10 alcohol for assessment of taxes in Fiscal Year 2006.

11 (c) The sum of Thirty-two Thousand Dollars (**\$32,000**) is appropriated from
12 the Tourist Attraction Fund to the Department of Revenue and Taxation for additional
13 personnel to monitor the Hotel Occupancy Tax in Fiscal Year 2006.

14 (d) The sum of Eight Hundred Thirteen Thousand Five Hundred Four Dollars
15 (**\$813,504**) is appropriated from the General Fund to the Department of Revenue and
16 Taxation for office space rental in Fiscal Year 2006.

17 (e) **Revenue & Taxation Attorney (1) Authorization.** A new Item (d) is
18 *added* to §1106 of Chapter 11, Division 1 of the Guam Code Annotated as follow;

19 (d) The Director may appoint an attorney within the merit system, who
20 shall serve at his pleasure and whose compensation shall be consistent with the local
21 laws governing attorney's salaries. The Director may appoint one assistant attorney.
22 The Attorneys, who must have been admitted to the practice of law in Guam, shall
23 advise the Director on all legal matters to which the Department is a party or in which
24 the Department is legally interested.

25 **Section 4. Guam Ancestral Lands Commission.** The sum of One Hundred
26 Ninety-eight Thousand Dollars (**\$198,000**) is appropriated from the General Fund to the
27 Guam Ancestral Lands Commission for its operations in Fiscal Year 2006.

1 **Section 5. Department of Public Works.** (a) The sum of Eight Million
2 One Hundred Thirteen Thousand Twenty-four Dollars (**\$8,113,024**) is appropriated
3 from the General Fund to the Department of Public Works for its operations in Fiscal
4 Year 2006.

5 (b) The sum of Five Million Three Hundred Sixteen Thousand Four Hundred
6 Eighty-five Dollars (**\$5,316,485**) is appropriated from the Guam Highway Fund to the
7 Department of Public Works for its operations in Fiscal Year 2006.

8 (c) The sum of Five Million Eight Hundred Twenty-two Thousand Five
9 Hundred Eighty-two Dollars (**\$5,822,582**) is appropriated from the Solid Waste
10 Operations Fund to the Department of Public Works for the operations of the Solid
11 Waste Division in Fiscal Year 2006.

12 (d) The sum of Two Million One Hundred Ninety-two Thousand Eight
13 Hundred Three Dollars (**\$2,192,803**) is appropriated from the Unreserved Fund Balance
14 Fund to the Department of Public Works to support its operations in Fiscal Year 2006.

15 **Section 6.** The sum of Fourteen Million Thirty-six Thousand Seven Hundred
16 Forty-four Dollars (**\$14,036,744**) is appropriated to *I Maga'lahaen Guåhan*, of which
17 Eleven Million Four Hundred Thirteen Thousand Four Hundred Sixty-six Dollars
18 (**\$11,413,466**) is from the General Fund, One Million Two Hundred Sixty-three
19 Thousand Eight Hundred Eighty-six Dollars (**\$1,263,886**) is from Special Funds, and
20 One Million Three Hundred Fifty-nine Thousand Three Hundred Ninety-two Dollars
21 (**\$1,359,392**) is from Federal Matching Grants-in-Aid for Executive Branch operations,
22 inclusive of personnel, in Fiscal Year 2006 for the following agencies:

- 23 1. Medical Referral Office
- 24 2. Commission on Decolonization
- 25 3. Civil Service Commission
- 26 4. Bureau of Budget and Management Research
- 27 5. Military Affairs (Federal Matching Grants-in-Aid \$568,092)

- 1 6. Bureau of Statistics and Plans
- 2 7. Department of Agriculture (Unreserved Fund Balance Fund \$49,000,
- 3 Guam Plant Inspection and Permit Fund \$40,000, Federal Matching
- 4 Grants-in-Aid \$517,800)
- 5 8. Department of Land Management (Land Survey Revolving Fund
- 6 \$950,000)
- 7 9. Department of Parks and Recreation (Public Recreation Services Fund
- 8 \$154,717, Unreserved Fund Balance Fund \$70,169)
- 9 10. Department of Labor (Federal Matching Grants-in-Aid \$33,500)
- 10 11. Guam Council on the Arts and Humanities Agency (Federal Matching
- 11 Grants-in-Aid \$240,000)
- 12 12. Department of Chamorro Affairs

1
2 **CHAPTER III.**

3 **MISCELLANEOUS APPROPRIATIONS.**

4 **Section 1. Office of *I Maga'lahren Guåhan*.** The sum of Three Million Five
5 Hundred Twenty-seven Thousand Three Hundred Eighteen Dollars (**\$3,527,318**) is
6 appropriated from the General Fund to the Office of *I Maga'lahren Guåhan* for its
7 operations in Fiscal Year 2006.

8 **Section 2. Office of Veteran's Affairs.** The sum of One Hundred Twelve
9 Thousand Eight Hundred Seventeen Dollars (**\$112,817**) is appropriated from the
10 General Fund to the Office of Veteran's Affairs for its operations in Fiscal Year 2006.

11 **Section 3. Office of *I Segundo Na Maga'lahren Guåhan*.** The sum of One
12 Million One Hundred Sixty-three Thousand Four Hundred Twenty-seven Dollars
13 (**\$1,163,427**) is appropriated from the General Fund to the Office of *I Segundo Na*
14 *Maga'lahren Guåhan* for its operations in Fiscal Year 2006.

15 **Section 4. Guam State Clearinghouse.** The sum of Three Hundred Twenty-
16 five Thousand Dollars (**\$325,000**) is appropriated from the General Fund to the Guam
17 State Clearinghouse for its operations in Fiscal Year 2006.

18 **Section 5. Chamorro Land Trust Commission Appropriation.** The sum of
19 Four Hundred Ninety-two Thousand Two Hundred Sixty-six Dollars (**\$492,266**) is
20 appropriated from the Chamorro Land Trust Operations Fund to the Chamorro Land
21 Trust Commission for its operations in Fiscal Year 2006.

22 **Section 6. Board of Professional Engineers, Architects and Land Surveyors.**
23 The sum of Two Hundred One Thousand Eight Hundred Twenty-five Dollars
24 (**\$201,825**) is appropriated from the Professional Engineers, Architects and Land
25 Surveyors Fund to the Board of Professional Engineers, Architects and Land Surveyors
26 for its operations in Fiscal Year 2006.

1 **Section 7. Guam Contractors License Board.** The sum of Three Hundred
2 Thirty-four Thousand Nine Hundred One Dollars (**\$334,901**) is appropriated from the
3 Guam Contractors License Board Fund to the Contractors License Board for its
4 operations in Fiscal Year 2006.

5 **Section 8. Guam Visitors Bureau.** The sum of Fourteen Million Three
6 Hundred Thirty-three Thousand Eight Hundred Fifty-five Dollars (**\$14,333,855**) is
7 appropriated from the Tourist Attraction Fund (“TAF”) to the Guam Visitors Bureau
8 (“GVB”) for the following, which is inclusive of Operations and Personnel Services, for
9 the period October 1, 2005, through September 30, 2006:

10 **(a) General Appropriations**

11 (1) Guam Administration

12	a. Personnel	\$1,497,113
13	b. Printing, Admin	\$14,400
14	c. Equipment Rental	\$66,000
15	d. Building Maintenance	\$80,373
16	e. Warehouse Storage	\$30,000
17	f. Postal Service	\$10,000
18	g. Legal Fees	\$50,000
19	h. Janitorial Services	\$15,000
20	i. Computer Maintenance	\$25,500
21	j. Travel Promotional Souvenirs	\$15,000
22	k. Security Systems	\$1,300
23	l. Garbage Collection	\$3,000
24	m. Supplies and Materials	\$10,000
25	n. Staff Development Fund	\$2,500
26	o. Dues and Assessment	\$39,595

1	p. Utilities	\$118,363
2	q. Capital Outlay	\$20,000
3	r. Audit Fees	\$15,000
4	Guam Administration Subtotal	\$2,013,144
5	(2) Marketing	
6	a. Japan	\$6,770,211
7	b. Korea	\$1,000,000
8	c. Hong Kong	\$175,000
9	d. China	\$175,000
10	e. Taiwan	\$300,000
11	f. Philippines	\$100,000
12	g. Pacific	\$80,000
13	h. North America/Armed Forces	\$275,000
14	i. Australia/Europe/Guam only	\$75,000
15	Marketing Subtotal	\$8,950,211
16	(3) Printing / Promotional	\$100,000
17	(4) Research	\$355,500
18	(5) Cultural Heritage	\$415,000
19	(6) Community Development	\$160,000
20	a. VIEC	\$25,000
21	(7) Sports Tourism	\$500,000
22	(8) Tourist Industry Relations	\$315,000
23	General Appropriations Total	\$12,833,855

24 (b) **Special Projects.** The sum of One Million Three Hundred Thousand
25 Dollars (\$1,300,000) for the following special projects:

- 26 (1) The sum of Three Hundred Thousand Dollars (**\$300,000**) for the
27 Tumon and Agana Beach Cleaning and Maintenance project.

- 1 (2) The sum of Four Hundred Thousand Dollars (**\$400,000**) for the
2 Tumon Landscaping Maintenance project.
- 3 (3) The sum of Three Hundred Fifty Thousand Dollars (**\$350,000**) for
4 the Islandwide Roadways Beautification project.
- 5 (4) The sum of One Hundred Thousand Dollars (**\$100,000**) for the
6 Tumon Holiday Illumination project.
- 7 (5) The sum of One Hundred Thousand Dollars (**\$100,000**) for the
8 Island Village Beautification project.
- 9 (6) The sum of Fifty Thousand Dollars (**\$50,000**) for the planning and
10 design of the proposed Guam Museum.

11 (c) **Pa'a Taotao Tano'**. The sum of One Hundred Thousand Dollars
12 (**\$100,000**) from the Tourist Attraction Fund to the Guam Visitors Bureau to fund Pa'a
13 Taotao Tano', a *Chamorro* Cultural Village in Tumon for Fiscal Year 2006.

14 (d) **Gef Pago'**. The sum of One Hundred Thousand Dollars (**\$100,000**) from
15 the Tourist Attraction Fund to the Guam Visitors Bureau for Gef Pago' operations,
16 repair and facility upgrade for Fiscal Year 2006.

17 **Section 9. Retirees' Supplemental Annuity Benefits and for Other Costs.**

18 (a) The sum of Thirteen Million Three Hundred Twenty-four Thousand Two
19 Hundred Seventy-two Dollars (**\$13,324,272**) is appropriated from the General Fund to
20 the Supplemental Annuity Benefits Special Fund for Fiscal Year 2006 for direct
21 payment to those employees who retired *prior* to October 1, 1995, or their survivors, for
22 the continuing provision of Four Thousand Two Hundred Thirty-eight Dollars (**\$4,238**)
23 per year in supplemental annuity benefits, consisting of the sums of One Thousand Two
24 Hundred Dollars (**\$1,200**), One Thousand Five Hundred Dollars (**\$1,500**), Seven
25 Hundred Dollars (**\$700**), and Eight Hundred Thirty-eight Dollars (**\$838**) in annual
26 benefits formerly contained in various General Appropriation Acts.

1 **(b)** No person eligible for the Retiree Supplemental Annuity Benefits provided
2 for in Subsection (a) of this Section shall receive such benefit if his regular annual
3 retirement annuity, *excluding* survivor benefits, exclusive of the supplemental amounts
4 herein is more than Forty Thousand Dollars (**\$40,000**). Persons eligible for Retiree
5 Supplemental Annuity Benefits shall *only* receive an amount of such benefits up to the
6 total aggregate sum of Forty Thousand Dollars (**\$40,000**) in combined retirement
7 annuities and supplemental retirement annuities and *not more*.

8 **(c)** The Department of Administration shall disburse to the retirees or their
9 survivors the supplemental annuities provided for in Subsection (a) of this Section. The
10 Government of Guam Retirement Fund shall provide the necessary information for
11 disbursement to the retirees or their survivors to the Department of Administration.

12 **(d)** Deposits made to the Supplemental Annuity Benefits Special Fund
13 (“Fund”) shall *not* be commingled with the General Fund and shall continue to be kept
14 in a separate bank account which shall continue to be administered by the Director of
15 Administration. This Fund shall *not* be subject to *I Maga’lahen Guåhan’s* transfer
16 authority.

17 **(e)** For October 1, 2005, to September 30, 2006, the Guam Power Authority,
18 the A. B. Won Pat International Airport Authority Guam, the Guam Economic
19 Development and Commerce Authority, the Guam Housing Corporation, the
20 Government of Guam Retirement Fund, the Jose D. Leon Guerrero Commercial Port,
21 the Guam Waterworks Authority and the Guam Visitors Bureau shall remit to the
22 Department of Administration an amount equal to the number of eligible employees
23 which are retired from each entity multiplied by the amounts listed in Subsection (a) of
24 this Section. The remittance shall be due on or before October 10, 2005, and April 15,
25 2006, respectively. Once remitted, this amount shall *not* be subject to *I Maga’lahi’s*
26 transfer authority.

1 (f) The sum of Four Million Seven Hundred Sixty-nine Thousand Eight
2 Hundred Eighty-three Dollars (**\$4,769,883**) is appropriated from the General Fund and
3 Two Million Two Hundred Forty-six Thousand Nine Hundred Forty-seven
4 (**\$2,246,947**) from the GTA Privatization Proceeds Fund to the Government of Guam
5 Retirement Fund for the payment of benefits of current retirees from October 1, 2005 to
6 September 30, 2006, consisting of the continuing provisions of Items (1) through (2),
7 below:

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

13 (g) For October 1, 2005, to September 30, 2006, the Guam Power Authority,
14 the A. B. Won Pat International Airport Authority Guam, the Guam Economic
15 Development and Commerce Authority, the Guam Housing Corporation, the
16 Government of Guam Retirement Fund, the Jose D. Leon Guerrero Commercial Port,
17 the Guam Waterworks Authority and the Guam Visitors Bureau shall remit to the
18 Government of Guam Retirement Fund the respective share of payments for medical,
19 dental, and life insurance payments for their respective retirees. The remittance shall be
20 due in equal installments on or before October 10, 2005, and on or before April 1, 2006,
21 respectively.

22 The autonomous agencies' share of payments for medical, dental, and life
23 insurance authorized herein are *ex gratia* payments and are for Fiscal Year 2006 *only*.
24 Any future medical, dental, and life insurance payments may be addressed by future
25 legislation.

26 (h) For October 1, 2005, through September 30, 2006, the sum of One
27 Hundred Twenty-four Thousand Two Hundred Dollars (**\$124,200**) is appropriated from

1 the General Fund to the Government of Guam Retirement Fund to defray the cost of
2 Medicare premiums for Government of Guam Retirees and their survivors who are
3 eligible to receive social security income benefits and are required under the
4 Government of Guam group health insurance program to pay such premiums in order to
5 continue to participate in such health insurance program failing which they are excluded
6 therefrom (to continue existing programs contained in the monthly payments).

7 (i) For Fiscal Year 2006 the sum of One Hundred Two Thousand Five
8 Hundred Dollars (**\$102,500**) is appropriated from the General Fund to the Government
9 of Guam Retirement Fund for *I Maga'lahi* and *I Segundu Na Maga'lahi/I Segundu Na*
10 *Maga'haga* Pensions.

11 (j) For Fiscal Year 2006 the sum of Five Hundred Three Thousand Three
12 Hundred Twenty-four Dollars (**\$503,324**) is appropriated from the General Fund to the
13 Government of Guam Retirement Fund for retirement annuities for the Guam Superior
14 Court Judges and Guam Supreme Court Justices.

15 (k) The Board of Trustees shall promulgate, maintain and amend, *if necessary*,
16 administrative procedures to ensure the proper submission, receipt and accounting of all
17 sums remitted in conformance with Subsections (f) and (h) of this Section.

18 **Section 10. Survivor Supplemental Annuity Additions.** Subsection (d), (6)
19 of 4 GCA §8135, is *repealed and reenacted*, to read:

20 “(6) the prospective payment of supplemental benefits for the period October 1,
21 2005, through September 30, 2006, for survivors of those employees who retired
22 *prior* to October 1, 1995, to be paid in the following manner:”

23 **Section 11. Disability Supplemental Annuity Additions.** Subsection (g) of 4
24 GCA §8129, is hereby amended to read as follows:

25 “(g) Any disability retirement annuitant who commenced receiving a
26 disability retirement annuity *prior* to October 1, 1995, and who is entitled to

1 disability retirement benefits under this Chapter shall receive, during the period
2 commencing on October 1, 2005, and ending on September 30, 2006, prospective
3 non-cumulative supplemental annuity benefits as follows:”

4 **Section 12. Retirees Supplemental Annuity Additions.** Item (6) of 4 GCA
5 §8122(d), is hereby amended to read as follows:

6 “(6) Any retirement annuitant who commenced receiving a retirement annuity
7 *prior* to October 1, 1995, and who is entitled to retirement benefits under this Chapter,
8 shall receive, during the period commencing on October 1, 2005, and ending on
9 September 30, 2006, prospective, non-cumulative supplemental annuity benefits as
10 follows:”

11 **Section 13. Assistance to Commercial Farmers.** The sum of Twelve
12 Thousand Dollars (**\$12,000**) is appropriated from the General Fund to the Department
13 of Agriculture to compensate farmers who were eligible but not compensated for crop
14 damages.

15 **Section 14. Pacific Community Appropriation.** The sum of Two Hundred
16 Eighty-four Thousand Five Hundred Twenty-five Dollars (**\$284,525**) is appropriated
17 from the General Fund to the Office of *I Maga’lahen Guåhan* for payment to Pacific
18 Community for Guam’s outstanding debt of \$255,108 and 2006 dues of \$29,417.

19 **Section 15. Commission on Decolonization.** The sum of Two Thousand Five
20 Hundred Dollars (**\$2,500**) is appropriated from the General Fund to the Commission on
21 Decolonization for computer equipment and internet service in Fiscal Year 2006.

22 **Section 16. Guam Election Commission.** The sum of Four Hundred Fifteen
23 Thousand One Hundred Fourteen Dollars (**\$415,114**) is appropriated from the General
24 Fund to the Guam Election Commission to fund the requirements of the 2006 Primary
25 and General Elections.

26 **Section 17. Street Light Fund.** (a) The sum of Three Million Nine Hundred
27 Twelve Thousand Nine Hundred Twenty-seven Dollars (**\$3,912,927**) is appropriated

1 from the Street Light Fund to the Department of Public Works for payment to the Guam
2 Power Authority for installation and operation of public streetlights in Fiscal Year
3 2006.

4 (b) The Director of DPW shall submit a quarterly report of the expenditures
5 from the appropriation herein to the Speaker of *I Liheslaturan Guåhan* and post the
6 same on the Department’s website.

7 **Section 18. Worker’s Compensation Fund.**

8 (a) The sum of Nine Hundred Thirty Thousand Dollars (**\$930,000**) is
9 appropriated from the General Fund to the Department of Labor for the Worker’s
10 Compensation Fund for Fiscal Year 2006. The funds appropriated in this Section shall
11 be utilized for worker’s compensation payments for the purposes set out in §9144 of
12 Title 22 of the Guam Code Annotated to pay worker’s compensation claims by
13 employees of the government of Guam, including outstanding prior years’ obligations
14 and future obligations associated with the provisions of this Section.

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

20 (c) Notwithstanding any other provision of law, the appropriation made in this
21 Section shall *not* be expended for disability compensation payments for FTE’s funded
22 by this Act.

23 (d) Notwithstanding any other provision of law, the Director of the
24 Department of Labor is authorized to spend *up to* Forty Thousand Dollars (\$40,000)
25 from this fund to pay for legal services for worker’s compensation hearings for Fiscal
26 Year 2006.

27 **Section 19. Government Claims Fund.**

1 (a) The sum of One Hundred Thousand Five Hundred Ninety-eight Dollars
2 (\$100,598) is appropriated from the General Fund to the Department of Administration
3 for the Government Claims Fund for payment of eligible and approved Government
4 Claims for Fiscal Year 2006.

5 (b) The Director of the Department of Administration shall, *no later than*
6 thirty (30) days after the close of each quarter of Fiscal Year 2006, submit to the
7 Speaker of *I Liheslaturan Guåhan* a report containing a full disclosure of all
8 expenditures of this appropriation and post the same on the Department's website.

9 **Section 20. Residential Treatment Fund.**

10 (a) The sum of One Million Four Hundred Seventy-eight Thousand Six
11 Hundred Twenty-six Dollars (\$1,478,626) is appropriated from the General Fund to the
12 Department of Administration ("DOA") to pay authorized expenses in Fiscal Year 2006
13 for persons under the jurisdiction of the Superior Court of Guam requiring residential
14 care because of physical, mental or emotional disabilities or severe emotional
15 disturbances. All patients and their escorts referred off Guam shall submit to the
16 Director of Administration supporting documents to justify their authorized travel
17 expenses.

18 (b) **The Director of Administration shall submit a report to *I Maga'lahren***
19 ***Guåhan* and the Speaker of *I Liheslaturan Guåhan* a report containing a full**
20 **disclosure of all expenditures of this appropriation, *no later than thirty (30) days***
21 **after the close of each quarter of the fiscal year and post the same on its website.**

22 **Section 21. Government of Guam's General Purpose Financial Statement**
23 **and Single Audit Report.** The sum of Three Hundred Four Thousand One Hundred
24 Ten Dollars (\$304,110) is appropriated from the General Fund to the Department of
25 Administration for the Fiscal Year 2005 Audit of the Government of Guam's General
26 Purpose Financial Statement and the Single Audit Report. The Office of the Public

1 Auditor shall be responsible for the administration of such funds and shall maintain
2 oversight of the conduct of the annual audit.

3 **Section 22. Guam Board of Accountancy.** The sum of Four Hundred Fifty-
4 five Thousand Two Hundred Twenty-four Dollars (**\$455,224**) is appropriated from the
5 Guam Board of Accountancy Fund to the Department of Revenue and Taxation for the
6 operations of the Guam Board of Accountancy in Fiscal Year 2006.

7 **Section 23. Guam Territorial Band.** The sum of Twenty-five Thousand
8 Dollars (**\$25,000**) is appropriated from the Tourist Attraction Fund to the Guam
9 Council on the Arts and Humanities for the Guam Territorial Band, in Fiscal Year 2006.

10 **Section 24. Department of Chamorro Affairs Storage Rental.** The sum of
11 Forty-eight Thousand Dollars (**\$48,000**) is appropriated from the Tourist Attraction
12 Fund to the Department of Chamorro Affairs for the rental of storage space for
13 historical artifacts, archive materials and ancient remains, in Fiscal Year 2006.

14 **Section 25. Appropriations to the Judiciary.** (a) The sum of Twenty
15 Million Forty-nine Thousand Eleven Dollars (**\$20,049,011**) is appropriated from the
16 General Fund to the Judiciary for its operations in Fiscal Year 2006.

17 (b) The sum of Four Hundred Sixty-three Thousand Six Hundred Fifty-seven
18 Dollars (**\$463,657**) is appropriated from the Federal Matching Grants-in-Aid to the
19 Judiciary for its operations in Fiscal Year 2006.

20 **Section 26. Court-Appointed Attorney Fees.** The sum of Seven Hundred
21 Thousand Dollars (**\$700,000**) is appropriated from the General Fund for Fiscal Year
22 2006, to the Judiciary, for the *sole* purpose of paying court-appointed attorney fees
23 related to the legal defense of indigent people. Such funds shall be deposited into the
24 Appointed Counsel Trust Fund account, as stipulated in 7 GCA §22111, and shall *not*
25 be subject to any transfer authority.

26 **Section 27. Adult Drug Court.** The sum of Two Hundred Sixty-four
27 Thousand Fourteen Dollars (**\$264,014**) is appropriated from the General Fund to the

1 Judiciary for the purpose of funding the operational costs associated with the Adult
2 Drug Court for Fiscal Year 2006.

3 **Section 28. Juvenile Drug Court.** The sum of Two Hundred Forty-four
4 Thousand Nine Hundred Sixty-four Dollars (**\$244,964**) is appropriated from the
5 General Fund to the Judiciary for the purpose of funding the operational costs
6 associated with the Juvenile Drug Court for Fiscal Year 2006.

7 **Section 29. Erica’s House of Hope.** Notwithstanding any other provision of
8 law, the amount of up to One Hundred Thousand Dollars (**\$100,000**) is appropriated
9 from the Safe Streets Fund, for Fiscal Year 2006, to the Judiciary to pay for contractual
10 services for the operation of the Erica’s House of Hope, an ongoing family visitation
11 center, provided that the needs mandated within 16 GCA §18125 (c) and (d) and 7GCA
12 §9211 (b) are first met.

13 **Section 30. I Liheslaturan Guåhan Operations.** The sum of Six Million
14 Eight Hundred Thirty-three Thousand Five Hundred Forty-six Dollars (**\$6,833,546**) is
15 appropriated from the General Fund to *I Liheslaturan Guåhan* for its operations,
16 including Personnel Services, for Fiscal Year 2006.

17 **Section 31. Appropriation to Office of Finance and Budget.** The sum of
18 Five Hundred Five Thousand Six Hundred Thirty-four Dollars (**\$505,634**) is
19 appropriated from the General Fund to *I Liheslaturan Guåhan*, specifically for the
20 Office of Finance and Budget (“OFB”), for operations inclusive of Personnel Services,
21 for Fiscal Year 2006.

22 **Section 32. Mayors Council of Guam Operations.** (a) The sum of Six
23 Million Four Hundred Seventy-four Thousand Seven Hundred Sixty-seven Dollars
24 (**\$6,474,767**) is appropriated from the General Fund to the Mayors Council of Guam for
25 personnel services, operations and utilities, for Fiscal Year 2006.

1 **(b) Village Streets Fund.** Notwithstanding any other provision of law, the
2 sum of One Million Five Hundred Thousand Dollars (**\$1,500,000**) is appropriated from
3 the Guam Highway Fund to the Village Streets Fund for of the Mayors Council of
4 Guam for Fiscal Year 2006. The purpose of such funds is for the maintenance and
5 beautification of village secondary and tertiary roads. Such funds shall *not* be subject to
6 any transfer authority of *I Maga'lahañ Guåhan*. The Village Streets Fund shall be
7 divided among the Village Mayors as follows:

8 (1) Each Mayor shall be allocated the sum of Twenty Thousand Dollars
9 **(\$20,000)**; and

10 (2) The remaining balance of the Village Streets Fund shall be distributed to
11 each Mayor on a *pro rata* basis based on the total local road mileage in
12 each village as a percentage of the total local road mileage in the 1998
13 Local Road Inventory of the Department of Public Works.

14 **(c)** The sum of Three Hundred Eighty Thousand Dollars (**\$380,000**) is
15 appropriated from the Healthy Futures Fund to the Mayors Council of Guam, for Fiscal
16 Year 2006, to be expended, in accordance with plans approved by the Village
17 Municipal Planning Council and filed with the Director of the Department of
18 Administration, on public safety and social programs that enforce alcohol regulations,
19 reduce underage drinking, support traffic safety, reduce drug-related violence and
20 abuse, and/or support government of Guam substance abuse prevention programs.

21 **(d)** The sum of Six Hundred Thirty-two Thousand Eighty-one Dollars
22 (**\$632,081**) is appropriated from the Tourist Attraction Fund to the Mayors' Council of
23 Guam for island-wide village beautification projects, which may include the
24 maintenance and upkeep of public restroom and recreational facilities. The amount
25 appropriated herein shall be divided equally among the nineteen (19) villages.

1 (e) The sum of One Hundred One Thousand Two Hundred Sixty-seven
2 Dollars (**\$101,267**) is appropriated from the Unreserved Fund Balance Fund to the
3 following Village Mayors for the upkeep and maintenance of sports and recreational
4 facilities in their respective village:

5 (1) The sum of \$67,512 is allocated to the Dededo Mayor.

6 (2) The sum of \$33,755 is allocated to the Yigo Mayor.

7 (f) With the written approval of their Municipal Planning Councils, Village
8 Mayors are authorized to apply additional funds derived from private contributions,
9 donations, and fundraising to supplement their village projects or programs, including
10 any programs funded from local, Federal, or special funds. Each Mayor shall submit a
11 report to the Speaker of *I Liheslaturan Guåhan*, the President of the Mayors Council
12 and the Public Auditor on the fifth (5th) day of the first (1st) month of every fiscal
13 quarter (October 5th, January 5th, April 5th, July 5th) as to the receipts, expenditures, and
14 applications of these funds. Such report shall be posted on the website of the Mayors
15 Council of Guam.

16 **Section 33. Appropriation to Office of the Public Auditor.** (a) The sum of
17 Nine Hundred Fifty Thousand Dollars (**\$950,000**) is appropriated from the General
18 Fund to the Office of the Public Auditor for its operations, inclusive of its personnel
19 services, for Fiscal Year 2006.

20 (b) The sum of One Hundred Thousand Dollars (**\$100,000**) is appropriated
21 from the General Fund to the Office of the Public Auditor to fund hiring of additional
22 staff to handle Procurement Appeals for Fiscal Year 2006.

23 **Section 34. Public Defender Services Corp.** (a) The sum of Two Million
24 Seven Hundred Fifty-four Thousand Eight Hundred Thirty-one Dollars (**\$2,754,831**) is
25 appropriated from the General Fund to the Public Defender Services Corporation for its
26 operations in Fiscal Year 2006.

1 **(b)** The sum of Fifty-four Thousand Dollars (**\$54,000**) is appropriated from the
2 General Fund to the Public Defender Services Corporation to fund a Records Archiving
3 System in Fiscal Year 2006.

1 during Fiscal Year 2005 are available to *I Liheslaturan Guåhan* for expenditure for
2 Fiscal year 2006.

3 **Section 7. Continuing Appropriation for Office of Finance and Budget.**

4 The unexpended balance of funds available for expenditure by *I Liheslaturan Guåhan*
5 for the Office of Finance and Budget during Fiscal Year 2005 are available to *I*
6 *Liheslaturan Guåhan* and the Office of Finance and Budget for expenditure for Fiscal
7 year 2006.

8 **Section 8. Continuing Appropriation for Mayors Council of Guam.** The
9 appropriation made to the Mayors Council of Guam pursuant to Section 10 of Public
10 Law 27-107 shall continue until all sums appropriated are expended.

11 **Section 9. Continuing Appropriation for Office of the Public Auditor.**

12 The appropriation made to the Office of the Public Auditor pursuant to Section 9 of
13 Public Law 27-107 shall continue until all sums appropriated are expended.

14 **Section 10. Transfer of Employees.** Notwithstanding any other provision of
15 law, and in recognition of the shortages of personnel in certain areas of the government,
16 *I Maga'lahren Guåhan* is authorized to transfer employees within or between any
17 department or agency of the Government of Guam, *except* that:

18 (1) The provisions of this Section shall *not* apply to any employee of the
19 Legislative or Judicial Branches of government, the Guam Public School System, the
20 Guam Police Department, the Attorney General's Office (Department of Law), the
21 Office of the Public Auditor, the University of Guam and the Guam Community
22 College;

23 (2) The transfer of any employee shall *not* result in a loss of pay or
24 salary;

25 (3) *No* employee shall be transferred if the employee has filed a
26 legitimate grievance with the Civil Service Commission for discrimination based on

1 political affiliation, gender, or sexual harassment, unless the said transfer is agreed to by
2 the employee;

3 (4) The provisions of this Section shall not authorize the transfer of
4 autonomous agency employees into line departments or agencies;

5 (5) The transfer of any employee, including an employee of Guam
6 Memorial Hospital Authority, Public Health and Mental Health pursuant to this Section
7 shall be accompanied by a transfer of the authorized funding for the transferred
8 employee's position by the department or agency from which the employee is being
9 transferred, unless the employee is transferred to an autonomous department or agency;
10 and

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

14 **Section 11. Retirement Option for Government of Guam Employees Upon**
15 **the Complete Remittance of Individual Retirement Fund Contributions.** Any and
16 all active members of the Government of Guam Retirement Fund who meet the
17 minimum eligibility requirements for retirement shall be granted the opportunity to
18 retire upon the complete remittance of his or her outstanding individual retirement fund
19 contributions. Such contributions shall include the employee and employer retirement
20 fund contributions. Any and all fees, interest at actuarial rate, and penalties associated
21 with the requirements set forth by the Government of Guam Retirement Fund shall be
22 paid by the Government.

23 This Section does not restrict the continuing remittance of existing retirement
24 fund contributions as required by law, or as set forth by the Government of Guam
25 Retirement Fund. By the fifteenth (15th) day of each month, *I Maga'lahaen Guåhan* shall
26 provide a detailed report to the Speaker of *I Liheslaturan Guåhan* on the remittances

1 and number of retirements for the prior month pursuant to this Section. Nothing herein
2 shall be construed to abrogate any of the provisions of Public Law 28-38.

3 **Section 12. Subparagraph (h) of Section 2 of Public Law 26-121 is hereby**
4 ***repealed and reenacted to read as follows:***

5 “(h) the jurisdiction of the Commission shall not extend to academic
6 personnel of the Guam Community College, University of Guam, and all
7 personnel of the Guam Memorial Hospital Authority, except upon mutual
8 consent by the governing board of the respective institution and the Commission,
9 nor to any position or person, appeal or proceeding of whatever kind or
10 description if the position is denominated ‘unclassified’ in this Title, except to the
11 extent explicitly permitted in this Section, nor shall such jurisdiction extend to
12 the determination of whether it is practicable to place a position in the classified
13 service.”

14 **Section 13. Government of Guam Retirement Fund Rate of Contribution.**

15 In accordance with §8137(e) of Article 1, Chapter 8 of Title 4 of the Guam Code
16 Annotated, the government rate of contribution to the Retirement Fund, beginning
17 October 1, 2005 for Fiscal Year 2006, shall equal 21.81%.

18 Section 14. Staffing Pattern Reporting.

19 **(a) Staffing Pattern.** Beginning October 1, 2005, and continuing on
20 each quarter thereafter, each agency or department head in the Executive Branch of the
21 government of Guam, the Chairperson of the Judicial Council and the Chairperson of
22 the Board of Trustees of the Public Defender Service Corporation shall submit to the
23 Speaker of *I Liheslaturan Guåhan* a current staffing pattern, in the format of the
24 Executive Branch FY 2006 Budget Call , as of the previous month’s ending, of
25 employees funded by the respective instrumentality. Such staffing pattern shall include,
26 *at a minimum*, the name of the employee, position title, salary, increment cost and

1 benefits cost for each employee, as well as the funding source for the salary and
2 benefits of each employee and shall be posted on the agency website.

3 **(b) Electronic Data.** In addition to the document requested in
4 Subsection (a) of this Section, reports shall be submitted in electronic format (including,
5 but *not limited to*, diskettes, CD, and/or email) to the Speaker of *I Liheslaturan Guåhan*.

6 **Section 15. Revenue Tracking Report.** The Director of the Bureau of Budget
7 and Management Research, in collaboration with the Director of the Department of
8 Revenue and Taxation and the Director of the Department of Administration shall
9 determine, *no later than* thirty (30) days *after* the close of each month of Fiscal Year
10 2006, the revenue tracking for the balance of the fiscal year, based upon the actual
11 collections of the preceding month and prepare a comparative statement of the “actual”
12 and “projected” revenues. Such information shall be compiled in a Report, certified by
13 each of the aforementioned Directors and submitted to the Speaker of *I Liheslaturan*
14 *Guåhan no later than* thirty (30) days *after* the close of each month of the fiscal year.

15 **Section 16. Contracts Exceeding Funds Restriction.** Except for the Guam
16 Public School System and Guam Memorial Hospital Authority, for Fiscal Year 2006,
17 *no* agency shall contract to spend, or enter into an agreement to spend, any money in
18 *excess* of the amount allotted to the agency by BBMR. Any contract or agreement in
19 violation of this provision shall be void.

20 Any agency head or Certifying Officer who knowingly contracts to spend, or
21 enters into an agreement to spend, any money in *excess* of the amount allotted to the
22 agency for which the contract or agreement is executed shall be guilty of a
23 misdemeanor.

24 **Section 17. Moratorium on Compensation for Boards and Commissions.**
25 For Fiscal Year 2006, notwithstanding any other provision of law, rule, or regulation,
26 and *except* for the Civil Service Commission, the Guam Education Policy Board, and
27 the Consolidated Commission on Utilities, a moratorium is hereby placed on the

1 compensation of all members of government boards and commissions for their
2 attendance at hearings and meetings.

3 **Section 18. Limited Term Appointment Moratorium.** For Fiscal Year
4 2006, notwithstanding the provisions of §4102 of Title 4 of the Guam Code Annotated,
5 or any other provision of law, *no* person may be employed on a temporary or limited-
6 term basis by an instrumentality of the government of Guam during the Fiscal Year,
7 *except* for the following:

- 8 (1) Certified persons in the Guam Public School System as identified in
9 subsection (12) of Section 715 of Chapter 7 of Title 1 of the Guam Code
10 Annotated;
- 11 (2) Attorneys at the Department of Law (within staffing pattern funding
12 levels);
- 13 (3) Nurses and doctors (within staffing pattern funding levels);
- 14 (4) Temporary survey workers employed by the Department of Labor and
15 Bureau of Statistics and Plans for the purpose of conducting employment
16 surveys (within staffing pattern funding levels);
- 17 (5) Licensed healthcare professionals and other ancillary service personnel
18 employed at the Guam Memorial Hospital Authority, the Department of
19 Mental Health and Substance Abuse, and the Department of Public Health
20 and Social Services (all within staffing pattern funding levels);
- 21 (6) Academic personnel positions at the University of Guam and the Guam
22 Community College (within their appropriated funding levels);
- 23 (7) Substitute school bus drivers.
- 24 (8) Persons filling temporary vacancies created by the call to active military
25 duty of employees who are members of the reserve components of the
26 Department of Defense and the Department of Transportation, included but
27 not limited to the United States Army, United States Navy, United States

1 Marine Corps, United States Air Force, the Army National Guard, the Air
2 National Guard, and the United States Coast Guard.

3 (9) Federally-funded positions (matching and up to 100%); and

4 (10) Temporary Solid Waste Technicians employed by the Division of Solid
5 Waste Management of the Department of Public Works for the purpose of
6 collecting residential solid waste.

7 **Section 19. Restrictions on Executive Branch Hiring of Unclassified**
8 **Employees.** *No* government funds of any kind or description may be expended on
9 employment of, or hiring of, unclassified employees in the Executive Branch of the
10 government of Guam, *except* for the following:

11 (1) Certified persons in the Guam Public School System as identified in
12 subsection (12) of Section 715 of Chapter 7 of Title 1 of the Guam Code
13 Annotated;

14 (2) Academic personnel positions at the University of Guam and the Guam
15 Community College;

16 (3) Nurses, doctors, licensed health professionals and ancillary health
17 employees necessary for clinical purposes at the Department of Public
18 Health and Social Services, the Department of Mental Health and
19 Substance Abuse, the Office of the Chief Medical Examiner, the Guam
20 Memorial Hospital Authority, Guam Police Department, and the
21 Department of Integrated Services for Individuals with Disabilities; and

22 (4) Department of Labor Survey Workers.

23 (5) Federally-funded positions (matching and up to 100%); and

24 (6) Persons filling temporary vacancies created by the call to active military
25 duty of employees who are members of the reserve components of the
26 Department of Defense and the Department of Transportation, included but
27 not limited to the United States Army, United States Navy, United States

1 Marine Corps, United States Air Force, the Army National Guard, the Air
2 National Guard, and the United States Coast Guard.

3 This provision does *not* apply to employees at the Office of *I Maga'lahen*
4 *Guåhan* and *I Segundu Na Maga'lahen Guåhan*, and the appointments of department or
5 agency heads, deputies and a private secretary.

6 **Section 20. Independent Contractors.**

7 The Office of *I Maga'lahi* may enter into agreements with independent
8 contactors pursuant to Guam procurement laws.

9 **Section 21. Autonomous Agency Revenues and Expenditures Reported to *I***
10 ***Liheslaturan Guåhan*.** Notwithstanding any other provision of law, all autonomous
11 and semi-autonomous agencies or public corporations shall report all revenues and
12 expenditures for all funds under its purview and administration to the Speaker of *I*
13 *Liheslaturan Guåhan* on a monthly basis showing revenues and expenditures from *all*
14 funds and post the same on their websites.

15 **Section 22. Quarterly Reports of Medical Referral Offices.** Each of the
16 Guam Medical Referral Offices funded by this Act shall provide quarterly reports on
17 their activities and expenditures. Each report shall include, but not be limited, to the
18 following:

- 19 (a) number of referred patients served;
- 20 (b) number of patient escorts or accompanying family members served;
- 21 (c) average cost per patient referral incurred by the respective office during
22 that quarter;
- 23 (d) actual office expenditures for the quarter including fuel costs; and
- 24 (e) outline of services provided during the quarter.

25 The Quarterly Reports required by this Section shall be submitted to *I Maga'lahen*
26 *Guåhan*, the Speaker of *I Liheslaturan Guåhan*, and the Office of the Public Auditor

1 within thirty (30) days after the close of each quarter of the fiscal year, and shall be
2 posted on the offices' website.

3 **Section 23. Budget Call.** Notwithstanding any other provision of law, *I*
4 *Maga'lalen Guåhan* shall formulate the program and financial plan for the Government
5 of Guam, containing *I Maga'lalen Guåhan's* recommended goals, plans, budget and
6 reorganizations for transmittal to *I Liheslaturan Guåhan* no later than ninety (90) days
7 after the enactment of this Act.

8 **Section 24. Village Streets Fund Amendment.** Subsection (k) of Section
9 1504 of Division 1 of Chapter 1 of Title 5 of the Guam Code Annotated is *amended* to
10 read:

11 **“(k) Village Streets Fund.** (1) There is hereby created, separate and apart from
12 other funds of the government of Guam, a fund known as the Village Streets
13 Fund (‘VSF’). The VSF shall be used exclusively for the purposes of payment to
14 vendors for village road planning, design, construction, reconstruction,
15 improvement, repair and maintenance services, supplies and equipment to be
16 used for road repair and maintenance, the acquisition of rights of way, or to
17 service debt payments of revenue bonds which may be issued to fund the
18 construction, repair and maintenance of secondary and tertiary roads. All roads
19 defined as ‘major arterial’, ‘minor arterial’ and ‘major collector’, as defined in
20 the Highway System Classification Map of Guam, shall continue to be
21 maintained by the Department of Public Works and are excluded from the
22 proceeds of the VSF. Funds deposited into the VSF shall be subject to
23 Legislative appropriation prior to expenditures from such fund and shall not be
24 subject to any transfer authority.”

25 **Section 25. Healthy Futures Fund.** Subsection (d) of §26603, Chapter 26 of
26 Title 11, Guam Code Annotated is hereby *repealed* and *reenacted* to read:

1 “(d) **Creation of the Healthy Futures Fund.** There is hereby created the
2 Healthy Futures Fund (Fund) which shall be maintained separate and apart
3 from other funds of the government of Guam and shall be kept in a
4 separate bank account and shall *not* be subject to any transfer authority of *I*
5 *Maga’lahen Guåhan*. All proceeds from taxes collected under this Section
6 shall be deposited into the Fund and shall not be commingled with the
7 General Fund. The Fund is subject to *I Liheslaturan Guåhan’s*
8 appropriation for the following purposes:

- 9 (1) health, education, public safety and social programs providing awareness
10 on tobacco and alcohol and substance abuse prevention, cessation,
11 treatment and control; programs and activities for improving overall health
12 and well-being; and, programs that enforce alcohol regulations;
- 13 (2) public safety and social programs that enforce alcohol and substance abuse
14 regulations, reduce underage drinking, support traffic safety, reduce drug-
15 related violence and abuse;
- 16 (3) community-based drug and substance abuse prevention programs; and
- 17 (4) matters pertinent to the items, supra, as deemed appropriate by *I*
18 *Liheslaturan Guåhan*.

19 Preference shall be given to programs directed towards youth, low-income or at-
20 risk persons and families, drug, alcohol, tobacco and substance prevention, cessation,
21 and treatment, preventative health care, and chronic disease management.

22 The Director of Administration shall report on a quarterly basis to the Speaker of
23 *I Liheslaturan Guåhan* the revenues collected and expended from this Fund and shall
24 post such report on the Department’s website.”

25 **Section 26. Proceeds of Excise Tax on Alcoholic Beverages.** Subsection (e)
26 of §26302, Chapter 26 of Title 11, Guam Code Annotated is hereby repealed and
27 reenacted to read:

1 “(e) **Proceeds of Excise Tax on Alcoholic Beverages.** All proceeds
2 from taxes collected under this Section shall be deposited in the “*Healthy*
3 *Futures Fund*” created pursuant to 11 GCA §§26603(d).”

4 **Section 27.** Subsection (d) of §26302, Chapter 26 of Title 11, Guam Code
5 Annotated is hereby *repealed*.

6 **Section 28. Transfer of Funds, Appropriations, Obligations and Authority.**

7 **(a) Transfer of Funds, Appropriations and Obligations.** All funds,
8 balances and unreserved fund balances of the “*Safe Homes, Safe Streets Fund*” shall be
9 transferred to the “Healthy Futures Fund.” Any past appropriation, outstanding
10 obligation or encumbrances remaining with the “*Safe Homes, Safe Streets Fund*” shall
11 be assumed and satisfied by the “Healthy Futures Fund.”

12 **(b) Transfer of Authority.** All Guam statutes and regulations which refer
13 to the “*Safe Homes, Safe Streets Fund*” are hereby amended to refer to the “Healthy
14 Futures Fund.” All other government of Guam documents which may refer to “*Safe*
15 *Homes, Safe Streets Fund*” shall mean the “Healthy Futures Fund.”

16 **Section 29. Chamorro Land Trust Commission.** Subsection (a) of §75112,
17 Chapter 75 of Title 21, Guam Code Annotated is hereby *amended* to read:

18 “(a) There are hereby established three (3) revolving funds to be known
19 as the Chamorro Home Loan Fund, the Chamorro Commercial Loan Fund
20 and the Chamorro Home Repair Fund and four (4) special funds to be
21 known as the Chamorro Home Development Fund, the Chamorro
22 Educational Assistance Fund, Chamorro Land Trust Operations Fund and
23 the Chamorro Loan Guarantee Fund.”

24 **Section 30. Chamorro Land Trust Operations Fund.** A new Subsection (j)
25 is hereby *added* to §75112 of Chapter 75 of Title 21, Guam Code Annotated to read:

26 “(j) **The Chamorro Land Trust Operations Fund.** The Commission shall
27 create a Fund called the Chamorro Land Trust Operations Fund (Fund), which

1 shall be maintained separate and apart from any other funds and is subject to *I*
2 *Liheslaturan Guåhan's* appropriation beginning in Fiscal Year 2006.
3 Notwithstanding any other provision requiring the deposit of proceeds to other
4 funds, the Fund shall receive the proceeds of all land use permits, monetary
5 contributions and fees. The Commission shall create, within thirty (30) days of
6 enactment, a reconciliation of all accounts in which such proceeds were
7 deposited and shall transfer the remaining balances to the Fund. The Fund shall
8 be used for the operational expenses of the Chamorro Land Trust Commission.
9 The Commission shall report on a quarterly basis to the Speaker of *I Liheslaturan*
10 *Guåhan* the revenues collected and expended from the Fund and post the same on
11 the Commission's website. The Fund shall be subject to audit by the Guam
12 Public Auditor.”

13 **Section 31. Repeal and Designation of Duties of the Civil Service**
14 **Commission.** Subsections (a), (c), (d), (e) and (f) of §4403 Title 4, Guam Code
15 Annotated are hereby *repealed*.

16 Section 32. Transfer of Authority Regarding Personnel Policy of the Civil
17 Service Commission to the Department of Administration.

18 **Section 1114 of Title 4, Guam Code Annotated is hereby *amended* to read:**

19 **“§1114. Administration.**

- 20 (a) Rules and Regulations. Maintain and from time to time modify
21 rules and regulations for the administration of the program in
22 accordance with the Administrative Adjudication Law. In order to
23 provide for the fair and efficient administration of the Program, such
24 rules and regulations shall provide specific controls to safeguard
25 against the possibility of collusion or manipulation. The rules and
26 regulations for the Incentive Award Program must also include

1 methods for protecting the rights and benefits of the person
2 generating and submitting an idea.

3 (b) Awareness Program. The Director of Administration, the heads of
4 the autonomous agencies, and the Supreme Court of Guam shall
5 maintain and from time to time modify a “Government of Guam
6 Incentives Awards Program” providing information about the
7 objectives and procedures of the Program and to encourage
8 participation from all government of Guam employees.”

9 **Section 33. Personnel Policy Amendment.** Subsection (b) of §4101 of Title
10 4, Guam Code Annotated is *amended* to read:

11 “(b) The Government shall initiate an Affirmative Action Program to
12 assure that physically and mentally handicapped persons shall have an
13 opportunity to obtain government employment. The affirmative action
14 program shall include job training programs for the handicapped and a
15 continuing review of job and work requirements by the personnel agencies
16 and the Director of Administration to assure no artificial impediments or
17 discriminatory physical or mental requirements be established to thwart job
18 applications submitted by handicapped persons.”

19 **Section 34. Classified and Unclassified Services Amendment.** Subsection
20 (d) of Section 4102 of Title 4, Guam Code Annotated is hereby *amended* to read:

21 “(d) Notwithstanding any other provision of law there shall be *no*
22 other personnel classifications in the government of Guam, other than the
23 classified and unclassified services as set forth in this Section. The
24 Director of Administration shall *not* create any unclassified positions. The
25 Civil Service Commission shall hear *no* appeal regarding the creation of a
26 new position.”

1 **Section 35. Departmental Rules Amendment.** Subsection (a) of §4105 of
2 Title 4, Guam Code Annotated is *amended* to read:

3 “(a) that the minimum rate of each pay range shall be the normal rate for initial
4 employment in the positions and classes assigned thereto; provided,
5 however, that the directors or other department heads may, with the
6 approval of the Director of Administration, authorize initial employment in
7 a position at a higher step in the position’s pay range if such action is
8 warranted by recruitment difficulties or by the new employee’s special or
9 unusual qualifications, including experience.”

10 **Section 36. Sick Leave Amendment.** Item (6) of §4108(f) of Title 4, Guam
11 Code Annotated is *amended* to read:

12 “(6) Responsibility for administration of this Section shall remain with the
13 appointing authorities, subject to such audit as may be ordered by the
14 Director of Administration.”

15 **Section 37. Implementation Amendment.** Section 4109.3 of Title 4 Guam
16 Code Annotated is hereby *amended* to read:

17 “**§4109.3. Implementation.** The Director of Administration shall maintain and
18 from time to time amend the leave-sharing program for the Executive Branch
19 pursuant to Section I of this Act to be implemented in the same manner as other
20 personnel rules and regulations enacted pursuant to §4105 of Title 4, Guam Code
21 Annotated.”

22 **Section 38. Inter-Branch Employee Transfers Amendment.** Section 4114
23 of Title 4 Guam Code Annotated is hereby *amended* to read:

24 “**§4114. Inter-Branch Employee Transfers.** Any employee in the classified
25 service may be appointed or transferred to a position in a different branch,
26 department, agency, instrumentality, authority or corporation requiring equivalent
27 qualification for the one held or to a higher position. Qualification and standards as

1 established by the Director of Administration in cooperation with any branch,
2 department, agency or instrumentality authorized by law to administer the personnel
3 laws and determine its own personnel rules shall be honored and accepted. Any
4 employee affected by this Section shall not have affected adversely his
5 governmental service, retirement credits, sick or annual leave, and other fringe
6 benefits normally granted to an employee of the Government.”

7 **Section 39. Temporary Assignments Amendment.** Section 4117 of Title 4,
8 Guam Code Annotated is hereby *amended* to read:

9 “§4117. **Temporary Assignments.** *No* employee shall be temporarily assigned
10 or detailed to a position nor shall the employee assume the duties and
11 responsibilities of a position other than the one to which he has been appointed for a
12 period in excess of ninety (90) days unless the appointing authority obtains an
13 exemption upon written application to the Director of Administration, which
14 exemption shall *not* extend beyond an additional ninety (90) days. *No* exemption
15 shall be granted to the ninety (90) day detail limitation except upon express approval
16 by the Director of Administration and except that the Guam Public School System
17 is provided an extended time period in the temporary assignment of school
18 principals and assistant school principals as follows: Department employees
19 temporarily assigned to the position of school principal or assistant school principal
20 shall *not* assume the duties and responsibilities of a position other than the one to
21 which he or she has been appointed for a period in excess of three hundred sixty
22 (360) days, provided that there are *no* qualified applicants for those positions and
23 unless the appointing authority obtains an exemption upon written application to the
24 Director of Administration, which exemption shall *not* extend beyond an additional
25 three hundred sixty (360) days. *No* exemption shall be granted to the Department on
26 the three hundred sixty (360) days limitation except upon approval by the Director
27 of Administration, provided, however, that *no* further temporary assignment to the

1 same position shall be allowed beyond a total of seven hundred twenty (720) days,
2 unless extraordinary extenuating circumstances as found by the Director of
3 Administration, justify further temporary assignment to such position. In any such
4 temporary assignments, the assignee shall suffer *no* loss of pay while so assigned.
5 The Speaker of *I Liheslaturan Guåhan* shall be given a notice of all temporary
6 assignments within forty-eight (48) hours of such temporary assignment.”

7 **Section 40. Enforcement of Orders Amendment.** Section 4408 of Title 4,
8 Guam Code Annotated is hereby *amended* to read:

9 “**§4408. Enforcement of Orders.** The Civil Service Commission may seek
10 enforcement of its decisions and orders in all decisions and orders rendered pursuant
11 to §4403 of this Chapter by application to the Superior Court for the appropriate
12 remedy. In seeking enforcement of its decisions and orders, the application for
13 enforcement shall be entitled, “The Civil Service Commission v. (department,
14 agency, instrumentality or officer).” *No* enforcement shall be commenced against
15 any department head or other employee or officer of the Government in his personal
16 capacity.”

17 **Section 41. Elected Officials’ Compensation Commission Repeal.** Sections
18 6401, 6402, 6403, 6404, 6405, 6406, 6407 and 6408 of Title 4, Guam Code Annotated
19 are hereby *repealed*.

20 **Section 42. Transfer of Duties Regarding Specific Government Agencies**
21 **Relating to the Civil Service Commission.** In the following Sections of the Guam
22 Code Annotated, the duties and responsibilities assigned therein to the Civil Service
23 Commission are hereby transferred to the Director of Administration:

24 Title 1 Guam Code Annotated § 1907

25 Title 4 Guam Code Annotated § 4122

26 Title 4 Guam Code Annotated § 4124

27 Title 4 Guam Code Annotated § 4207

1 Title 4 Guam Code Annotated § 6202
2 Title 4 Guam Code Annoated § 6204
3 Title 4 Guam Code Annotated § 6205
4 Title 4 Guam Code Annotated § 6209
5 Title 4 Guam Code Annotated § 6212
6 Title 5 Guam Code Annotated § 80116
7 Title 5 Guam Code Annotated § 85108
8 Title 10 Guam Code Annotated § 65103
9 Title 10 Guam Code Annotated § 67100
10 Title 10 Guam Code Annotated § 80107
11 Title 10 Guam Code Annotated § 80107.1
12 Title 10 Guam Code Annotated § 87108
13 Title 12 Guam Code Annotated § 3117
14 Title 17 Guam Code Annotated § 2107
15 Title 17 Guam Code Annotated § 16112
16 Title 17 Guam Code Annotated § 41302
17 Title 17 Guam Code Annotated § 5B104
18 Title 21 Guam Code Annotated § 77203

19 **Section 43. The following Sections of the Guam Code Annotated are**
20 **hereby repealed:** §20108 and §36105 of Title 5, Guam Code Annotated.

21 Section 44. DOA Staff Training Relative to the Unified Pay Schedule. **The**
22 **Director of the Department of Administration shall contract with a private firm to**
23 **train staff in the methodology necessary to update the unified pay schedule**
24 **required by §6302 of Title 4, Guam Code Annotated.**

25 Section 45. Transfer of Authority of the Civil Service Commission to the
26 Department of Administration.

1 (a) All Guam statutes and regulations not specifically mentioned in this
2 enactment which refer to the non-adjudicatory authority of the Civil Service
3 Commission or which purport to create such authority in the Civil Service Commission
4 are hereby amended to reflect the transfer of said authority to the Director of
5 Administration, who shall henceforward perform all functions regarding rulemaking,
6 the creation of new positions, pay scales, personnel rules and the like which formerly
7 were performed by the Commission. The Civil Service Commission shall retain its
8 duties under the Mini-Hatch Act and Ethics in Public Contracting laws except as may
9 be provided herein.

10 (b) Saving Clause. All existing rules and regulations currently in effect
11 shall remain in effect until amended or repealed by the Director of Administration or
12 other competent authority.

13 Section 46. Director of Administration and Personnel Policy. A new §4101.1 is
14 *added* to Title 4, Guam Code Annotated to read:

15 “**§4101.1. Responsibilities of the Director of Administration regarding**
16 **Personnel Policy of the Government.** The Director of Administration shall perform
17 the following functions:

18 (a) Maintain and from time to time modify a general personnel policy
19 for all government of Guam line agencies through the adoption of rules
20 and regulations pursuant to the Administrative Adjudication Law;

21 (b) Investigate conditions of government employment as he deems
22 necessary and report his findings thereon to *I Maga’lahen Guåhan* and *I*
23 *Liheslaturan Guåhan* annually;

24 (c) Administer the Equal Employment Opportunity Program for the
25 Executive Branch of the government of Guam.”

26 **Section 47. Effective Date Assuming the Non-adjudicatory Functions of**
27 **Civil Service Commission by the Department of Administration.** Sections 31, 32,

1 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45 and 46 shall become effective on
2 January 1, 2006.

3 Section 48. Implementation of Transfer of Functions of the Civil Service
4 Commission to the Department of Administration.

5 (a) The provisions of Section 31 through 46 shall be implemented *no later*
6 *than* January 1, 2006 and to that end:

7 (1) All Civil Service Commission employees except the
8 Executive Director shall be transferred to the Department of
9 Administration except as provided below.

10 (2) The Director of Administration and the Executive Director of
11 the Civil Service Commission shall execute a Memorandum of
12 Understanding which shall designate the Commission employees,
13 including an attorney, not to exceed three (3) in number, who shall
14 be retained by the Commission to support the performance and
15 execution of its remaining functions.

16 (3) *I Maga'lahaen Guåhan* shall transfer all appropriations, federal
17 grants and other money which fund the non-adjudicatory functions
18 of the Civil Service Commission being transferred hereunder to the
19 Department of Administration;

20 (4) All personalty, equipment, supplies, records, files, books and
21 other papers pertaining to the non-adjudicatory functions of the Civil
22 Service Commission shall be transferred to the Department of
23 Administration.

24 **Section 49. General Powers and Duties of Director.** Subsection (e) of §1107,
25 Chapter 1 of Title 11, Guam Code Annotated is hereby *repealed* and *reenacted* to read:

26 “(e) Shall expend fifty percent (50%), pro rata, of the funds in the Tax
27 Collection Enhancement Fund to employ Attorneys, Tax Technicians, Revenue

1 Agents, Revenue Officers and for other related expenses in order to increase
2 collection of taxes and for the salaries of employees serving as Passport
3 Acceptance Agents. He shall deposit fifty percent (50%), pro rata, of the funds in
4 the Tax Collection Enhancement Fund to the Public School Library Resources
5 Fund created by 17 GCA § 4120.1.”

6 **Section 50. Rates and Charges Amendment.** Section 11106 of Title 16, Guam
7 Code Annotated is hereby *amended* to read:

8 “§ 11106. **Same: Rates and Charges.** Every person who owns or has
9 control over any taxicab shall assess passengers for hire the following rates, fares
10 or charges for services rendered by means of such taxicab:

Description	New Rate
FLAG DOWN RATE (good for first 1/2 mile)	\$2.40
EVERY ADDITIONAL 1/4 MILE	\$0.80
FIRST MILE	\$4.00
WAITING TIME, EVERY 2 MINUTES	\$0.80

11 The foregoing schedule of fares and charges shall be posted pursuant to the
12 provisions of §11102 of this Chapter; provided, however, that the Director of
13 Revenue and Taxation shall retain authority to adopt a schedule of taxicab fares
14 pursuant to §11105 of this Chapter if such fares are not less than those
15 established in this Section.”

16 **Section 51. Guam Board of Accountancy Fiscal Policies.** Subsection (d) of
17 §35104 of Title 22, Guam Code Annotated, is hereby *amended* to read:

18 “(d) All fees and money collected by the Board under this Chapter shall be
19 received and accounted for by the Board and deposited in the General Fund. All funds
20 shall be appropriated to the Board by *I Liheslaturan Guåhan*, for the use of the Board in
21 the pursuit of its authority. No disbursement of funds appropriated shall be made unless

1 the same has been approved, authorized and ordered by the Board. Such monies shall be
2 utilized solely for the expenses of administering the provisions of this Chapter, which
3 may include, but shall not be limited to, the costs of conducting investigations and of
4 taking testimony and procuring the attendance of witnesses before the Board or its
5 committees; all legal proceedings taken under this Chapter for the enforcement thereof;
6 and educational programs for the benefit of the public and licensees and their
7 employees. On or before March 30, 2006 for Fiscal Year 2007 and January 30th for each
8 fiscal year thereafter, the Board shall approve and submit to *I Liheslaturan Guåhan* its
9 annual budget for the following fiscal year. If the Board fails to submit a budget for the
10 next fiscal year, or if *I Liheslaturan Guåhan* fails to approve the annual budget before
11 the next fiscal year, the current fiscal year's budget shall become law for the next fiscal
12 year, subject to legislative modification.”

13 **Section 52. Guam Board of Accountancy Fund Transfer to the General**
14 **Fund.** A new item (i) is *added* to Subsection (d) of §35104 of Title 22, Guam Code
15 Annotated to read:

16 **“(i) Transfer of Funds, Appropriations and Obligations.** Beginning in
17 Fiscal Year 2007, all funds, balances and unreserved fund balances of the Guam Board
18 of Accountancy Fund shall be transferred to the General Fund. Any past appropriation,
19 outstanding obligation or encumbrances remaining with the Guam Board of
20 Accountancy Fund shall be assumed and obligated by the General Fund beginning in
21 Fiscal Year 2007.”

22 **Section 53. Transfer of the *I Sengsong Chamorro* from GEDCA to**
23 **Chamorro Affairs.** Section 50103(p) of Chapter 50 of Title 12 of the Guam Code
24 Annotated is hereby repealed.

25 **Section 54.** Article 3 of Chapter 50 of Title 12 of the Guam Code Annotated is
26 hereby *repealed* in its entirety.

1 **Section 55.** A new Section 87103(a)(viii) of Chapter 87 of Title 5 of the Guam
2 Code Annotated is hereby *added* as follows:

3 “(viii) The Corporation shall have authority over and
4 supervise the Chamorro Village (*I Sengsong Chamorro*).”

5 **Section 56.** A new §87151 is hereby *added* to Chapter 87 of Title 5 of the
6 Guam Code Annotated to read as follows:

7 “**§87151. Purpose.** The Corporation shall maintain and operate under its control a
8 public market, or markets, for Guam products at such place or places as *I Mas Ge’Hilo’*
9 may deem proper. Any such market shall be maintained and operated at all times in a
10 sanitary and orderly manner, beneficial to both producers and patrons alike. Producers
11 and sellers desiring to use space within such market to display or sell their produce shall
12 be levied a uniform fee based upon the amount of space used and period of such use.”

13 **Section 57.** A new §87152 is hereby *added* to Chapter 87 of Title 5 of the
14 Guam Code Annotated to read as follows:

15 “**§87152. Public Market Revolving Fund.** (a) There is hereby
16 established a fund to be known as the ‘*Public Market Revolving Fund*,’ which
17 shall be maintained separate and apart from any other funds of the government of
18 Guam. The President of Chamorro Affairs shall administer the Fund.
19 Independent records and accounts shall be maintained in connection therewith.

20 (b) Funds of the Public Market Revolving Fund shall be used *exclusively*
21 for the administration, operation and maintenance of the Public Market.

22 (c) All funds collected from fees levied pursuant to §87151 shall be
23 deposited in the Public Market Revolving Fund.

24 (d) An audit shall be conducted by the Public Auditor for regulatory
25 compliance at least once every two (2) years.”

26 (e) Revenues and expenditures from the Public Market Revolving
27 Fund shall be reported to the Speaker of *I Liheslaturan Guåhan* at the end

1 of each month and such report shall be posted on the Department's
2 website.

3 **Section 58.** Any and all rules and regulations pertaining to the operation and
4 administration of the Public Market shall continue and remain in effect until such
5 time they are amended or changed through the Administrative Adjudication Law
6 process.

7 **Section 59. Repeal of Appropriations made in Public Law 27-106.** Sections
8 13(c) and 13(d) of Chapter V of Public Law 27-106 are hereby *repealed* in their
9 entirety.

10 **Section 60. Guam Visitors Bureau Transfer Authority.** The Guam Visitors
11 Bureau Board of Directors may exercise *limited* transfer authority over the monies
12 appropriated in Chapter III, Section 8, Subsection (a) of this Act as follows: 1)
13 Transfer authority is authorized between items of appropriation listed in Subsection
14 (a)(1) "Guam Administration", with the exception noted in item (2) of this Section; 2)
15 No transfers are authorized into or out of the Personnel Services category; 3) Amounts
16 may be transferred between items listed under subsection (a)(2) "Marketing".

17 **Section 61. GVB Provisions.**

- 18 (1) The appropriations made in Chapter III, Section 8, Subsections (a)
19 and (b) of this Act shall *not* be expended for any other purpose.
- 20 (2) *Except* for the transfer authority provided in Section 59 of this Act,
21 *no* other transfer is authorized from the appropriations made in this
22 Section.
- 23 (3) Unless otherwise stipulated in this Act, the Tourist Attraction Fund
24 ("TAF") appropriations contained herein shall be utilized *solely* for
25 the purposes outlined herein and shall *not* be subject to any transfer
26 authority by *I Maga'lahaen Guåhan*.

1 (4) GVB shall use the marketing and promotions budget to promote
2 Guam as a wholesome family-oriented destination offering activities
3 conducive to maximizing the natural and cultural elements of Guam.
4

5 **Section 62. Repeal and Reenactment of § 9108(a) of Title 12, Guam Code**
6 **Annotated, Regarding the Guam Visitors Bureau General Manager.** §9108(a) of
7 Title 12, Guam Code Annotated is *repealed* and *re-enacted* to read:

8 “§9108. **General Manager.** (a) The Board, by an affirmative vote of at
9 least eight (8) votes, shall appoint a General Manager. The General Manager
10 shall serve as the Bureau’s chief administrative officer, and his duties and
11 compensation shall be determined and approved by the Board. The General
12 Manager will serve at the pleasure of the Board.

13 **Section 63. Amends Section 1907, Chapter 19 of Title 1 of the Guam Code**
14 **Annotated.** Effective October 1, 2005, Section 1907 of Title 1 of the Guam Code
15 Annotated is amended to read:

16 “§1907. **Public Auditor and Staff, Compensation of.**

17 (a) The annual compensation of the Public Auditor shall be One Hundred
18 Thousand Dollars (**\$100,000**) and shall *not* be diminished during the Public
19 Auditor’s term of office.

20 (b) The salaries of the staff of the Public Auditor shall be fixed by the
21 Director of Administration in accordance with the methodology recommended by
22 the Hay Study adopted by *I Liheslatura* and effective October 1, 1991.

23 **Section 64. A New Subsection (k) Added to Section 1909 Chapter 19 of**
24 **Title 1 Guam Code Annotated.** A new Subsection (k) is *added* to Section 1909
25 Chapter 19 of Title 1 Guam Code Annotated relative to the duties of the Public Auditor
26 to read:

27 “§1909. **Duties of Public Auditor.**

1 (k) Shall hear and decide all appeals of decisions that arise under 5 GCA
2 §5425(c), as provided for by 5 GCA 5425(e).”

3 **Section 65. Repeal and Reenactment.** Sections 5701 and 5702 of Article 12,
4 Chapter 5, Title 5 of the Guam Code Annotated are repealed and Sections 5703, 5704,
5 5705, 5706, 5707, 5708, 5709 and 5710 are *repealed, reenacted and renumbered* to
6 read:

7 **“Article 12**

8 **PROCUREMENT APPEALS**

9 **§5701. Rules of Procedure.** The Public Auditor shall adopt rules of procedure,
10 which, to the fullest extent possible, will provide for the expeditious resolution of
11 controversies in accordance with the requirements of this Chapter.

12 The Public Auditor shall have the authority to appoint a hearing officer, who
13 shall take written, oral or otherwise presented testimony, evaluate such testimony and
14 make recommendations to the Public Auditor.

15 The Public Auditor may adopt Small Claims Procedures for the resolution of
16 controversies involving claims of less than Twenty-five Thousand Dollars (**\$25,000.00**).

17 **§5702. Decisions of the ~~Procurement Appeals Board~~ Public Auditor.** The
18 Public Auditor shall issue a decision in writing or take other appropriate action on each
19 appeal submitted. A copy of any decision shall be provided to all parties, and, as
20 appropriate, the Chief Procurement Office, the Director of Public Works and the head
21 of a purchasing agency.

22 **§5703. Jurisdiction of the Public Auditor.** The Public Auditor shall have the
23 power to review and determine de novo any matter properly submitted to her or him.
24 The Public Auditor shall not have jurisdiction over disputes having to do with money
25 owed to or by the government of Guam. Notwithstanding §5245 of this Chapter, no
26 prior determination shall be final or conclusive on the Public Auditor or upon any
27 appeal from the Public Auditor. The Public Auditor shall have the power to compel

1 attendance and testimony of, and production of documents by any employee of the
2 government of Guam, including any employee of any autonomous agency or public
3 corporation. The Public Auditor may consider testimony and evidence submitted by
4 any competing bidder, offeror or contractor of the protestant. The Public Auditor's
5 jurisdiction shall be utilized to promote the integrity of the procurement process and the
6 purposes of 5 GCA Chapter 5.

7 **§5704. Standard of Review.** Any determination of an issue or a finding of fact
8 by the Public Auditor shall be final and conclusive unless arbitrary, capricious,
9 fraudulent, clearly erroneous, or contrary to law. Any decision of the Public Auditor,
10 including any determination regarding the application or interpretation of the
11 procurement law or regulations, shall be entitled to great weight and the benefit of
12 reasonable doubt, although it shall not be conclusive on any court having competent
13 jurisdiction.

14 **§5705. Suspension or Debarment Proceedings.**

15 (a) **Scope.** This §5705 applies to a review by the Public Auditor of a decision
16 under §5426 of this Chapter.

17 (b) **Time Limitation on Filing an Appeal.** The aggrieved person shall file
18 his/her appeal with the Public Auditor within sixty (60) days of the receipt of a decision
19 under Subsection (c) of §5426 of this Chapter.

20 (c) **Decision.** The Public Auditor shall decide whether, or the extent to which,
21 the debarment or suspension was in accordance with the statutes, regulations and the
22 best interest of the the government or any autonomous agency or public corporation,
23 and was fair. The Public Auditor shall issue her or his decision within thirty (30) days
24 of the completion of the hearing on the issue.

25 **§5706. Contract and Breach of Contract Controversies.** (a) **Scope.** This
26 §5706 applies to a review by the Public Auditor of a decision under §5427 of this
27 Chapter.

1 **(b) Time Limitation on Filing an Appeal.** The aggrieved contractor shall file
2 his/her appeal with the Public Auditor within sixty (60) days of the receipt of the
3 decision or within sixty (60) days following the failure to render a timely decision as
4 provided in §5427 of this Chapter.

5 **(c) Decision.** The Public Auditor shall decide the contract or breach of contract
6 controversy and shall issue her or his decision within thirty (30) days of the completion
7 of the hearing on the issue.

8 **§5707. Appeals and Review of Public Auditor Decisions.**

9 **(a) Appeal.** Any person receiving an adverse decision, the government or any
10 autonomous agency or public corporation, or both, may appeal from a decision by the
11 Public Auditor to the Superior Court of Guam as provided in Article D of Chapter 9 of
12 this Chapter.

13 **(b) Authorization of Appeal by the Government.** No such appeal shall be
14 made by the government or an autonomous agency or public corporation unless
15 recommended by the Chief Procurement Officer, the Director of Public Works, or the
16 head of the Purchasing Agency involved.

17 **§5708. Discontinuance of Contractor's Appeal.** After notice of an
18 appeal to the Public Auditor has been filed by the Chief Procurement Officer, the
19 Director of Public Works or the head of the Purchasing Agency, a contractor may not
20 discontinue such appeal without prejudice, except as authorized by the Public Auditor.”

21 **§5709. Transfer of Authority.** Upon enactment, all Guam statutes and
22 regulations which refer to the “Procurement Appeals Board” are hereby amended to
23 reflect the “Public Auditor.” All other government of Guam documents which may
24 refer to “Procurement Appeals Board” shall mean the “Public Auditor.”

25 **Section 66. Amendment of 5 GCA §5251.** Section 5251 of Title 5 of the
26 Guam Code Annotated is *amended* to read:

1 “§5251. **Public Record.** The record required by § 5249 of this Chapter is a
2 public record and, subject to rules promulgated by the Public Auditor, any person may
3 inspect and copy any portion of the record.”

4 **Section 67. Amendments to Subsections (e), (f), (g) (3), (h) (2) of Section 5425**
5 **of Article 9 Chapter 5 Title 5 Guam Code Annotated.** Subsections (e), (f), (g)(3),
6 and (h)(2) of Section 5425 of Article 9, Chapter 5, Title 5 of the Guam Code Annotated
7 are *amended* to read:

8 “§5425. **Authority to Resolve Protested Solicitations and Awards.**

9 (e) **Appeal.** A decision under Subsection (c) of this Section including a
10 decision there under regarding entitlement to costs as provided by Subsection (h) of this
11 Section, may be appealed by the protestant, to the Public Auditor within fifteen (15)
12 days after receipt by the protestant of the notice of decision.

13 (f) **Finality.** A decision of the Public Auditor is final unless a person
14 adversely affected by the decision commences an action in the Superior Court in
15 accordance with Subsection (a) of §5480 of this Chapter.

16 (g) (3) If the protest is pending before the Public Auditor or the Court, the
17 Public Auditor or Court has confirmed such determination, or if no such protest is
18 pending, no protest to the Public Auditor of such determination is filed prior to
19 expiration of the two (2) day period specified in Item (2) of Subsection (g) of this
20 Section.”

21 “(h)(2) **Entitlement to Costs.** (2) there is a reasonable likelihood that the
22 protestant may have been awarded the contract but for the breach of any ethical
23 obligation imposed by Part B of Article 11 of this Chapter or the willful or reckless
24 violation of any applicable procurement law or regulation. The Public Auditor shall
25 have the power to assess reasonable costs including reasonable attorney fees incurred
26 by the government, including its autonomous agencies and public corporations, against

1 a protestant upon its finding that the protest was made fraudulently, frivolously or
2 solely to disrupt the procurement process.”

3 **Section 68. Amendment to Subsections (e) of §5426 of Article 9 Chapter 5**
4 **Title 5 Guam Code Annotated.** Subsection (e) of Section 5426 of Article 9, Chapter
5 5, Title 5 Guam Code Annotated is *amended* to read:

6 “§5426. **Authority to Debar or Suspend. (e) Finality of Decision.** A decision
7 under Subsections (c) or (f) of this Section shall be final and conclusive, unless
8 fraudulent, or an appeal is taken to the Public Auditor in accordance with §57076 of this
9 Chapter.”

10 **Section 69. Amendment to Subsection (e) of §5427 of Article 9 Chapter 5**
11 **Title 5 Guam Code Annotated.** Subsection (e) of Section 5426 of Article 9, Chapter
12 5, Title 5 Guam Code Annotated is *amended* to read:

13 “§5427. **Authority to Resolve Contract and Breach of Contract**
14 **Controversies. (e) Finality of Decision.** The decision reached pursuant to Subsection
15 (c) of this Section shall be final and conclusive, unless fraudulent, or the contractor
16 appeals administratively to the Public Auditor in accordance with § 57086 of this
17 Chapter.”

18 **Section 70. (a) Dormant Account Review.** The Public Auditor and Compiler
19 of Laws shall immediately review all existing government of Guam dormant or inactive
20 accounts to determine whether they are no longer necessary or require consolidation
21 caused by evolving mandates, priority changes, outsourcing, privatization, down-
22 scaling, service or program cessation or expansions within the government of Guam.
23 The Public Auditor shall be the lead person and point of contact in the execution of this
24 Section. The Public Auditor and Compiler of Laws shall within ninety (90) days after
25 their initial meeting, prepare a report which shall:

1 (1) recommend the closure, consolidation or structural
2 amendment(s) to the enabling mandate of government of Guam accounts
3 requiring such action;

4 (2) include existing fund balances and a statistical analysis of
5 activities for accounts identified within item 1;

6 (3) outline the potential impact to the local community including
7 impacts to existing federal programs, local programs, government services
8 or activities where applicable; and

9 (4) prepare and recommend changes to the enabling mandates of
10 accounts identified within item 1, not limited to the closure, consolidation
11 or any structural amendment necessary correlating with conditions
12 requiring improved accountability, efficiency, outreach, effectiveness or
13 savings.

14 **(b) Formulation of a Written Report of Findings and Recommendations.**

15 A written comprehensive report shall be prepared by the Public Auditor
16 and the Compiler of Laws, which shall include their findings, recommendations and
17 proposed plan to address the disposition of government of Guam accounts requiring
18 action as provided for within Subsection A. The Public Auditor shall deliver the report
19 to *I Maga'lahen Guåhan*, the Speaker and Chairman of the Committee on Finance,
20 Taxation and Commerce of *I Liheslaturan Guåhan* no later than fifteen (15) days upon
21 the completion of the report.

22 **Section 71. GEDCA.** *I Liheslaturan Guåhan* has determined that P.L. 27-
23 110:12 contains a typographical error and therefore purportedly repealed and re-enacted
24 all of Title 12 G.C.A. Section 50103 instead of repealing and re-enacting Title 12 GCA
25 Section 50103(k) as intended. P.L. 27-110:12 is hereby repealed and of no effect as of
26 the date of its enactment, except as provided herein, and the acts of the Guam Economic
27 Development and Commerce Authority between said enactment and the present are not

1 affected by its enactment. Title 12 G.C.A. Section 50103(k) is hereby *amended* to
2 read, effective the enactment of P.L. 27-110:

3 "(k) The Corporation shall act as a central financial manager and
4 consultant for those agencies or instrumentalities of the Government
5 requiring financial guidance and assistance. Such technical assistance
6 by the Corporation shall include, but not be limited to, obtaining of
7 funds through bond or other obligations, structuring such bond
8 issuances, preparation and dissemination of financial and investment
9 information, including bond prospectuses, development of interest
10 among investment bankers and bond brokers, maintenance of
11 relationships with bond rating agencies and brokerage houses and,
12 generally, acting as the centralized and exclusive financial planner and
13 investment banker for all the agencies and instrumentalities of the
14 Government. For purposes of this Subsection, agencies and
15 instrumentalities of the Government include, but are not limited to, such
16 public corporations as the Guam Economic Development and
17 Commerce Authority, the Jose D. Leon Guerrero Commercial Port of
18 Guam, the A.B. Won Pat International Airport Authority Guam, the
19 Guam Power Authority, the Guam Memorial Hospital Authority, the
20 University of Guam, and all other agencies or instrumentalities of the
21 Government given the power, now or in the future, to issue and sell
22 bonds or other obligations for the purpose of raising funds. Such
23 agencies or instrumentalities of the Government shall issue bonds and
24 other obligations only by means of and through the agency of the
25 Corporation, and each such agency or instrumentality shall furnish the
26 Corporation long-term estimates of financial needs so that the
27 Corporation can coordinate a long-term plan for obtaining necessary

1 funds for all such agencies and instrumentalities on a rational, non-
2 competitive and efficient basis. The Corporation shall not issue or sell
3 any bond without the approval of *I Liheslatura* (the Legislature) of the
4 terms and conditions of the bonds. The failure of *I Liheslatura* (the
5 Legislature) to adopt a resolution rejecting the terms and conditions of
6 the issuance of the bonds within forty-five (45) calendar days of the
7 date of its submission to the Legislative Secretary shall be concurrence
8 to the issuance of the bonds. For the purposes of this Subsection, the
9 terms bond or other obligations do not include an instrument evidencing
10 debt for a term of one (1) year or less. The provisions of this section
11 whereby the Corporation shall act as a central financial manager and
12 consultant for those agencies requiring financial assistance shall not
13 apply to those bonds or obligations which are sold by or to an agency of
14 the Government of the United States, however, the provisions of this
15 Section where *I Liheslatura* (the Legislature) must approve the terms
16 and conditions of the issuance of the bonds shall apply to said bonds or
17 obligations. The provisions of this subsection shall not apply to bonds
18 or other obligations issued pursuant to Article V or Article VI of this
19 Division on or before March 31, 1984, provided such bonds or other
20 obligations are secured by a pledge of and lien upon the revenues and
21 other funds or moneys derived from the projects or programs financed
22 by the proceeds of the sale of such bonds or other obligations and not
23 by revenues and other funds or moneys derived from other projects or
24 programs of the Corporation.”

25 **Section 72. Qualifications of Retirement Fund Director.** §8140 of Chapter 8
26 of Title 4 of the Guam Code Annotated is hereby *amended* to read:

1 **“§8140. Director of Fund.**

2 (a) The Board shall appoint the Director of the Fund, who shall be
3 its Chief Executive Officer. The Director of the Fund shall serve at the pleasure
4 of the Board, which shall fix his annual base salary at a minimum of Eighty
5 Thousand Five Hundred Eighty Dollars (\$80,580) and a maximum not to exceed
6 the base salary assigned for *I Maga’lahen Guåhan*. The Director of the Fund
7 shall be responsible for the planning, organizing, and administering the
8 operations of a multi-billion dollar pension system under the laws, policies and
9 programs as established by acts of *I Liheslaturhan Guåhan* and under the policy
10 guidance and direction of the Board of Trustees, and shall perform such other and
11 additional duties as the Board may require.

12 The Director of the Fund shall have the necessary knowledge, skills, and abilities
13 to include:

- 14 (1) thorough knowledge of the general principles of management and
15 supervision, particularly as they apply to public administration;
- 16 (2) considerable knowledge of the general principles of fiscal
17 management, including knowledge of auditing and accounting
18 requirements;
- 19 (3) considerable knowledge of actuarial, insurance, and investment
20 principles and practices;
- 21 (4) considerable knowledge of pension system, both Federal and Local
22 Systems;
- 23 (5) ability to plan, organize and direct the works of others;
- 24 (6) demonstrated oral and written communication skills;
- 25 (7) ability to analyze, interpret and clearly convey to others, complex
26 financial, statistical, actuarial and other technical information, and to
27 take action or to make recommendations on such data;

- 1 (8) ability to establish and maintain positive communication and
2 effective working relationships with administrative officials,
3 legislators, consultants, Board Trustees, system employees, both
4 active, inactive and retired members of the Fund, public employee
5 organizations and the general public;
- 6 (9) a Bachelor's degree in Business Administration, Finance,
7 Accounting, Economics, Public Administration, or closely-related
8 area; and at least seven (7) years of diverse management experience
9 in the administration of a public or private pension system; or a
10 Master's Degree in Business Administration, Finance, Accounting,
11 Economics, Public Administration, or closely-related field, and at
12 least five (5) years of diverse management experience in the
13 administration of a public or private pension system.

14 **Section 73. Establishment of Retirement Fund Deputy Director.** A new
15 §8140.4 is hereby *added* to Chapter 8 of Title 4 of the Guam Code Annotated to read:

16 **“§8140.1 Deputy Director of Fund.**

17 The Director of the Fund may employ, with the consent of the Board, a Deputy
18 Director with an annual base salary of a minimum of Sixty-six Thousand Three
19 Hundred Sixty-four (\$66,364) and a maximum not to exceed the base salary
20 assigned for the Lieutenant Governor of Guam. The Deputy Director shall serve
21 at the pleasure of the Director and the Board, and his duties shall be determined
22 by the Director.”

23 **Section 74. Transfer of a portion of Route 10A to the Airport.**

24 (a) **Legislative Intent.** *I Liheslatura* finds that the immediate inter-
25 governmental transfer of a portion of Route 10A (*Chalan Pasaheru*) is necessary in
26 order to preserve the Airport's award of FAA grants in excess of \$16 million for current
27 and future airport projects. The Public Auditor in the GIAA FY-02 audit report

1 determined that certain expenditures were improper. FAA affirmed the occurrence of
2 the prohibited use of airport revenues. Federal Aviation Administration has required
3 that the Airport recover the prohibited expenditures from the government of Guam or
4 risk losing millions of dollars in federal grant monies for airport projects. In addition to
5 satisfying the FAA's requirement that the Airport recover the funds, the conveyance of
6 a portion of *Chalan Pasaheru* will allow the Airport to improve and develop ingress
7 and egress to the Airport. It is therefore necessary to allow the transfer of *Chalan*
8 *Pasaheru* from the Government of Guam to GIAA.

9 **(b) Transfer of Government Land Authorized.** *I Maga'lahen Guåhan* is
10 hereby authorized to transfer and convey to the Antonio B. Won Pat International
11 Airport Authority, Guam, a parcel of real property, located on Lot Number 514,
12 Municipality of Tamuning, identified as Route 10A and as further identified in that
13 Grant of Perpetual Easement, granted to the United States of America, dated 05 July
14 1955 and recorded on 08 July 1955 in the Department of Land Management under
15 Instrument No. 29432. The Antonio B. Won Pat International Airport Authority shall
16 not deny access to any existing easement abutting the parcel being conveyed and
17 transferred within this section, except as otherwise authorized under the laws of Guam.

18 **Section 75. Real Property Tax Moratorium on Returned Federal Excess**
19 **Lands to Original Owners.** A moratorium on the payment of real property taxes shall
20 be in effect until tax year 2007, on the estates of the original land owners on properties
21 transferred by the Guam Ancestral Lands Commission from returned federal excess
22 lands, retroactive to the time of return of the property to the original land owners, their
23 estates or their heirs.

24 **Section 76. Family Home Occupation Act.** (a) Subsection (p) of §61103 of
25 Chapter 61 of Title 21 of the Guam Code Annotated is *repealed* and *reenacted* to
26 read:

1 use to a residential dwelling or unit within any zone, and shall not require a
2 use variance provided that:

- 3 a. the activity does not create a consternation with the residential use
4 of the property and surrounding residential uses;
- 5 b. the activity employs no employees other than family members
6 residing in the dwelling or unit;
- 7 c. there is no outside appearance of a family home occupation
8 including, but not limited to, parking, signs or lights;
- 9 d. the volume of deliveries and other vehicular traffic is not in excess
10 of what is normally associated with residential use in the
11 neighborhood;
- 12 e. the activity uses no equipment or process that creates noise,
13 vibration, glare, fumes, odors or electrical or electronic
14 interference, including interference with radio or television
15 reception, that would create a consternation to adjacent
16 neighbors;
- 17 f. the activity does not generate solid waste or sewage discharge, in
18 volume or type, which is not normally associated with a
19 residential use in the neighborhood; and
- 20 g. the activity does not involve any illegal activity.

21 **§61517.1. Exceptions Where not Allowed.**

- 22 1. In the case of a dwelling that is a part of a horizontal and
23 community property regime or a common interest ownership
24 community in which at least some of the property is owned in
25 common by all of the residents; or, in the case of a dwelling unit
26 that is part of a planned unit development or subdivision to which a
27 covenant or condition is attached upon the purchase of the

1 property, this section shall not supersede any deed restriction,
2 covenant, agreement, master deed, master lease, declaration, by-
3 laws or other documents which prohibit a family home occupation
4 within a dwelling unit.

- 5 2. A community created through a property regime shall not be
6 required to amend or modify an existing rule or regulation
7 pertaining to family home occupations so long as no conflicts occur
8 with the provisions of this Article.

9 **§61517.2. Community Property Regime Restrictions.**

- 10 1. A Community Property Regime (herein after referred to as
11 ‘Regime’) may establish limitations for, or prohibit entirely, any
12 family home occupation which it deems incompatible with the
13 character of the residential community in which it is located.
14 2. After the effective date of this Article, any Regime may ban any
15 or all family home occupations by the lawful adoption of rules.

16 **§61517.3. Community Regime May Establish Standards.** In
17 accordance with the purpose of this Article, a Regime may establish, through
18 rule, regulation, by-law, covenant, agreement, condition or other documents:

- 19 1. standards for delivery or truck traffic;
20 2. standards concerning the acceptable volume of invitees or guests
21 to a family home occupation;
22 3. Any standards established pursuant to this Section shall apply to
23 all residences within the Regime.”

24 **§61518. Saving Clause.** This Article shall not limit the power of the
25 government to protect the health, safety and welfare of its residents, including
26 the investigation and elimination of nuisances.

1 **Section 77. Amendment.** §1033 of Chapter 8 of Article 2, Title 1, Guam
2 Code Annotated is *amended* to read:

3 “§ 1033. **Guam-Micronesia Island Fair.** (a) Annually, *I Maga'laha*
4 *Guåhan* (Governor) shall issue a proclamation calling upon the people of Guam
5 to observe a Guam-Micronesia Island Fair, which shall be held at the discretion
6 of the Guam Visitors Bureau.

7 (b) The Guam Visitors Bureau shall be the organizing body for the Guam-
8 Micronesia Island Fair and shall provide the necessary logistics and financial
9 support to insure the success of the Fair as an international event and visitor
10 attraction. The Department of Parks and Recreation shall assist by issuing
11 permits for booths and exhibits, and designing the general layout of booths,
12 exhibits and activities, with cultural awareness paramount in the design. The
13 Department of Public Works shall inspect and ensure that the public facilities at
14 the selected site are in good working condition to adequately protect the health
15 and safety of the persons at the Fair. The Department of Revenue and Taxation
16 shall issue on a priority basis a license for each type of activity being conducted
17 at the Fair which requires a license from the department. The Department of
18 Public Health shall issue licenses for the preparation and sale of food. The
19 Customs and Quarantine Department shall provide information and assistance to
20 participants concerning the importation requirements of statutes and the U.S.
21 Department of Agriculture and other agencies for importation of items into the
22 territory for use at the Fair. The Department of Agriculture shall establish
23 regulations for the judging of produce and livestock exhibited at the Fair. The
24 Mayors Council shall create a mechanism for village participation or
25 competitions. The Guam Council on the Arts and Humanities shall provide
26 technical assistance to encourage public participation of the performing and fine
27 arts.

1 (c) The Governor shall appoint, from among the personnel of the
2 departments and agencies mentioned in Subsection (b) of this Section, personnel
3 to insure the success of the Guam-Micronesia Island Fair. The Speaker, in
4 consultation with the respective Chairpersons of the Committees on Economic
5 Development and Tourism, shall designate representatives from the Legislature
6 to serve as members of the organizing committee.

7 (d) The Guam Visitors Bureau, in collaboration with the agencies listed in
8 Subsection (b), shall establish a fee schedule for the conduct of the Guam-
9 Micronesia Island Fair. The fee schedule shall include at a minimum: the cost for
10 rental of display space; a participation fee to cover the costs of security,
11 maintenance and other common area services at the fair site; and, a means by
12 which food and beverage, produce, handicrafts, and other items being offered for
13 sale, may be purchased. All fees from the sale of goods or services sold at the
14 Fair shall be collected and deposited to the Treasury of Guam. Twenty-five
15 percent (25%) of the proceeds collected shall be deposited in the General Fund,
16 fifty percent (50%) shall be deposited in the Guam-Micronesia Island Fair
17 Revolving Fund, which is hereby created, to be administered by the Guam
18 Visitors Bureau, for the sole purpose of paying for Guam-Micronesia Island Fair-
19 related expenses, with twenty-five percent (25%) to be deposited in the Guam,
20 CNMI and Micronesian Student Loan Fund.

21 (e) Within thirty (30) days of the close of each Guam-Micronesia Island
22 Fair, the Guam Visitors Bureau shall report on the financial status of the Fair and
23 the Guam-Micronesia Island Fair Revolving Fund to the Governor and the
24 Speaker of *I Liheslaturan Guåhan*, and shall make recommendations to improve
25 the implementation of the Fair, including future sites and dates of the Fair and
26 post the same on its website.”

1 **Section 78. §22401.1 of Article 4, Chapter 22, Division 2 of Title 5, Guam**
2 **Code Annotated, is repealed and reenacted:**

3 “**§22401.1. Expenditures on Alcoholic Beverages Illegal.** *Except* for Guam
4 Visitors Bureau, the A.B. Won Pat International Airport Authority of Guam, and the
5 Governor and the Lieutenant Governor, no officer, employee, or agent of any public
6 corporation or of any branch, department, agency, or instrumentality of the government
7 of Guam, including, *but not limited to*, the Guam Power Authority, the Guam
8 Economic Development and Commerce Authority, the Guam Housing Corporation, the
9 Government of Guam Retirement Fund, the Jose D. Leon Guerrero Commercial Port,
10 the Guam Waterworks Authority, the Guam Memorial Hospital Authority, and Boards
11 and Commissions established by law or rule, shall expend public funds for the purchase
12 of alcoholic beverages.”

13 **Section 79. Facilities Insurance Requirements.** Every department and agency
14 of the government of Guam, as part of its appropriations for operations contained in this
15 Act, shall expend such sums as are necessary for facilities insurance requirements.

16 **Section 80. Amendment of Subsection (e) of Section 4120.1 of Title 5,**
17 **Guam Code Annotated.** Subsection (e) of Section 4120.1 of Title 5, Guam Code
18 Annotated, *repealed* and *re-enacted* by Section 4 of Chapter I of Public Law No. 24-59
19 is *amended* to read:

20 “(e) ‘Equipment’ means items having a purchase price of Five Thousand
21 Dollars (\$5,000.00) or less.”

22 **Section 81. Environmental Health Fund.** The Department of Public Health
23 and Social Services (DPHSS) is authorized to expend up to the level of revenues
24 collected in the Environmental Health Fund for the operations of the Environmental
25 Health division of the DPHSS in Fiscal Year 2006. This Fund is not subject to the
26 transfer authority of the Director of DPHSS authorized in this Act or transfer authority
27 of *I Maga’lahen Guåhan*.

1 **Section 82. Volunteers and donations for Skinner Plaza, Plaza De Espana**
2 **and Guam Congress Building.**

3 Notwithstanding any provision of law to the contrary, the Executive Director or
4 Acting Executive Director of *I Liheslaturan Guåhan* is authorized to receive donations,
5 inclusive but not restricted to donations of goods, materials and services, for the
6 purpose of maintaining and improving Skinner Plaza, the Plaza De Espana, and the
7 Guam Congress Building (otherwise known as the Old Legislative Building).

8 **Section 83. Acting Appointments, Title 4 G.C.A. § 2103.4 (k) is amended as**
9 **follows:**

10 “(k) Acting appointment—the filling of a position by a person who has not been
11 appointed to fill the position on a permanent basis, or, in the case of positions requiring
12 the advice and consent of *I Liheslatura*, the situation where a person is filling the
13 position in an acting capacity whose nomination to fill the position permanently has
14 been received by *I Liheslatura*, but has not been confirmed to the position by *I*
15 *Liheslatura*. Acting appointments include so-called ‘holdover’ positions on boards and
16 agencies, such as when the enabling legislation provides that an appointee shall serve
17 until his or her successor is appointed. In construing the time limits in this Chapter, all
18 time as an acting appointee shall be included together, even if such acting time was
19 spent in an acting position pursuant to different appointments or as a ‘holdover’. *I*
20 *Maga’lahen Guåhan* shall inform the Speaker of *I Liheslaturan Guåhan*, in writing, of
21 any acting appointments upon appointment.”

22 **Section 84. Title 4 GCA 2103.4 (l) is hereby amended to read:**

23 “(l) Acting capacity—the serving of a person in a position in an acting capacity or
24 pursuant to an acting appointment.”

25 **Section 85. Time Limits on Acting Capacity, Title 4 G.C.A. § 2103.9(d) is**
26 **amended as follows:**

1 “(d) No person shall serve for a period in excess of one year in an acting capacity
2 on any board or commission, which shall include a period in time during which the
3 position was held over. No person may be appointed to serve in an acting capacity on
4 any board or requiring legislative advice and consent, unless that person has been
5 nominated by the appointing authority to serve in that position in a permanent capacity
6 and the nomination has been received by *I Lihislatura*. Failure to comply with this
7 Subsection shall render the actions of a defective appointee null and void.”

8 **Section 86. Acting Capacity, Title 4 G.C.A. §2103.12 is amended to read as**
9 **follows:**

10 “§2103.12. **Acting Capacity.** No person who shall be appointed to a position
11 which requires advice and consent of *I Liheslatura* may serve in an acting capacity as
12 head or director of a department, agency or instrumentality for a period in excess of one
13 year. Any employee so appointed shall have the right to return to the position the
14 employee held immediately before the appointment to serve in an acting capacity after
15 the one year period is exhausted. The time limitation of this Section may not be
16 circumvented by an interruption in the appointment to an acting capacity or by transfer
17 back to the position the employee held immediately before the appointment for a period
18 of less than thirty (30) days or by a temporary transfer to any other position.”

19 **Section 87. Special Fund Transfer.** Notwithstanding any other provision
20 of law, *I Maga'lahen Guåhan* is authorized to transfer to the General Fund any cash
21 available from any Special Fund or Revolving Fund to fund the appropriations
22 authorized in this Act; *except*, that such authority shall *not* extend to Trust Funds, the
23 Historic Preservation Trust Fund, the Tourist Attraction Fund; Customs, Agriculture
24 and Quarantine Inspection Services Fund; Healthy Futures Fund; Wildlife Conservation
25 Fund; Special Funds under the purview of the Guam Environmental Protection Agency;
26 and funds under the purview and administration of *I Liheslaturan Guåhan*, the
27 Judiciary, the Guam Memorial Hospital Authority the Guam Public School System and

1 those departments and agencies exempted in this Act from any Governor's transfer
2 authority.

3 All Special funds or Revolving funds transferred to cover the appropriations
4 authorized in this Act shall be reimbursed to the Special or Revolving Fund from which
5 it was transferred as cash becomes available.

6 *I Maga'lahaen Guåhan* shall submit a report to the Speaker of *I Liheslaturan*
7 *Guåhan* on the fifth (5th) day of every month subsequent to the enactment of this Act on
8 the application of the provisions contained herein. Such report shall include detailed
9 information on the amount of such transfers and the fund expending such monies.

10 **Section 88. Continuing Appropriation.** *I Maga'lahaen Guåhan* is authorized
11 to expend appropriations made in Public Law 27-106 for Executive Branch departments
12 and agencies for operations in Fiscal Year 2006, except for those appropriations already
13 continued pursuant to this Act. Such appropriations are deemed continued for Fiscal
14 Year 2006 only. *I Maga'lahaen Guåhan* shall identify such unexpended and
15 unencumbered appropriations that continue into Fiscal Year 2006 and report such
16 continued appropriations to the Speaker of *I Liheslaturan Guåhan*.

17 **Section 89. Exemptions from Transfer Authority of *I Maga'lahaen Guåhan*.**
18 Appropriations to the following departments, agencies and elected offices of the
19 government of Guam are exempt from any transfer authority of *I Maga'lahaen Guåhan*,
20 except that *I Maga'lahaen Guåhan* can transfer funds into these department and agencies
21 without restriction:

- 22 a. Guam Public School System
- 23 b. Guam Police Department
- 24 c. Guam Memorial Hospital Authority
- 25 d. University of Guam
- 26 e. Guam Community College
- 27 f. Office of the Attorney General

- 1 g. Office of the Public Auditor
- 2 h. Office of Finance and Budget
- 3 i. *I Liheslaturan Guåhan*
- 4 j. Mayors Council of Guam
- 5 k. Judiciary

6 **Section 90. Transfer Authority of Twenty Percent (20%).** *I Maga'lahen*

7 *Guåhan* is authorized to transfer up to twenty percent (20%) of appropriations made to
8 the following departments and agencies of the government of Guam, except that *I*
9 *Maga'lahen Guåhan* can transfer funds into the department and agencies without
10 restriction:

- 11 a. Guam Fire Department
- 12 b. Department of Corrections
- 13 c. Department of Youth Affairs
- 14 d. Office of the Chief Medical Examiner
- 15 e. Guam Public Library
- 16 f. Guam Education Telecommunications Corp.
- 17 g. Department of Mental Health and Substance Abuse
- 18 h. Department of Public Health and Social Services
- 19 i. Department of Integrated Services for Individuals with Disabilities

20 **Section 91. Transfer Authority of Thirty Percent (30%).** *I Maga'lahen*

21 *Guåhan* is authorized to transfer up to thirty percent (30%) of appropriations made to
22 the following departments and agencies of the government of Guam, except that *I*
23 *Maga'lahen Guåhan* can transfer funds into the department and agencies without
24 restriction:

- 25 a. Department of Revenue and Taxation
- 26 b. Department of Administration
- 27 c. Department of Public Works

- d. Guam Election Commission
- e. Ancestral Lands Commission

Section 92. Transfer Authority of Twenty Percent (20%) for Miscellaneous Appropriations. *I Maga'lahren Guåhan* is authorized to transfer up to twenty percent (20%) of the Miscellaneous Appropriations made in Chapter III of this Act. However, *no* transfers shall be made from the appropriations for Retirement supplemental annuities and benefits. This transfer authority shall not apply to those funds and appropriations which have been designated, in this Act, as exempt from any transfer authority of *I Maga'lahren Guåhan*, *except* that *I Maga'lahren Guåhan* can transfer funds into the department and agencies, appropriations without restriction.

Section 93. Transfer Authority of One Hundred Percent (100%). *I Maga'lahren Guåhan* is authorized to transfer up to one hundred percent (100%) of appropriations made to all other departments and agencies of the government of Guam listed below. *I Maga'lahren Guåhan* may transfer into these agencies or departments without restriction.

- a. Medical Referral Office
- b. Commission on Decolonization
- c. Civil Service Commission
- d. Bureau of Budget & Management Research
- e. Military Affairs
- f. Bureau of Statistics and Plans
- g. Department of Agriculture
- h. Department of Land Management
- i. Department of Parks and Recreation
- j. Department of Labor
- k. Guam Council on the Arts and Humanities Agency
- l. Department of Chamorro Affairs

1 **Section 94. Private School and Post Secondary Institution Endorsements.**

2 **(a)** Subsection (a) of Section 76213 of Title 11, Guam Code Annotated is
3 *amended* to read:

4 “(a) For elementary and secondary institutions: certification by the Guam
5 Public School System that each person teaching, instructing or aiding in the teaching
6 and instructing of such private school has the necessary training, experience and
7 knowledge to qualify him to teach the particular subjects or courses which he desires to
8 teach, as may be prescribed by the rules and regulations pertaining thereto.”

9 **(b)** Subsections (c), (d) and (e) are *added* to Section 76213 of Title 11, Guam
10 Code Annotated to read:

11 “(c) For post secondary private institutions and their agents corresponding
12 with Guam State Education policies, endorsement from the GPSS Superintendent
13 must be obtained in the verification of each person teaching or instructing having
14 possessed a terminal degree from an accredited institution recognized by the
15 United States Department of Education (USDOE) directly or through an
16 affiliated institution, or is properly credentialed with the necessary experience
17 and knowledge to teach a particular subject or course.

18 (d) For post secondary institutions which seek to offer or confer any
19 degree or diploma, that the degrees or diplomas offered are accredited by an
20 accrediting institution of the United States, directly or through an affiliated
21 institution, recognized by the United States Department of Education (USDOE).
22 Post secondary institutions which seek to offer or confer any degree or diploma
23 and are in the process of obtaining accreditation through a recognized USDOE
24 accrediting body or is in the process of, or has received accreditation from a non-
25 sanctioned USDOE accrediting body shall disclose its accreditation status to each
26 student upon the start of classes.

27 (e) Excluded from obtaining endorsements under this section are:

1 (1) Education solely avocational or recreational in nature;

2 (2) A nonprofit institution owned, controlled and operated and
3 maintained by a bona fide church or religious denomination or religious
4 organization if such education is limited to instruction in the principles of
5 that church or denomination or organization or to courses offered for the
6 purposes of training the adherents of such church or denomination in the
7 care of the sick in accordance with its religious tenets and the diploma or
8 degree is limited to evidence of completion of that education, and the
9 meritorious recognition upon which any honorary degree is conferred is
10 limited to the principles of that church or denomination;

11 (3) Postsecondary educational institutions established, operated and
12 governed by the government of Guam;

13 (4) Education sponsored by a bona fide trade, business, professional
14 or fraternal organization which is recognized by the regulatory body of that
15 trade, business or profession and is solely for that organization's
16 membership; and

17 (5) Institutions exclusively offering instruction at any or all levels
18 from preschool through twelfth (12th) grade.”

19 **Section 95. Section 4 of Public Law 28-63 is hereby amended to read:**

20 **“Section 4.** There is hereby established, within *I Liheslaturan Guåhan*,
21 the Child Support Guidelines Review Commission. The Commission shall
22 consist of the Deputy Attorney General who manages the Child Support
23 Enforcement Division, the Public Defender, the Director and Managing Attorney
24 of Guam Legal Services Corporation, an attorney in private practice with
25 extensive experience in Family Law litigation to be appointed by the President of
26 the Guam Bar Association, a person appointed by the Presiding Judge of the
27 Superior Court, the Director of Public Health and Social Services, a social

1 worker to be appointed by the President of the Guam Chapter of the National
2 Association of Social Workers, and the Director of the Bureau of Plans and
3 Statistics. The Commission shall review the proposed guidelines, Exhibit 1
4 attached to Substitute Bill No. 128 (EC), and the written testimony submitted at
5 the public hearing of Bill No. 128 (EC) by the Chief Deputy Attorney General
6 who manages the Child Support Enforcement Division and shall make
7 recommendations to *I Liheslaturan Guåhan* regarding the enactment of the
8 proposed guidelines.”

9 **Section 96. Recoupment of Retirement Fund Benefit Payments Caused by**
10 **Administrative Error.**

11 (a) **Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds that the
12 Defined Benefit Plan statute lacks provisions for the adjustment and recovery of
13 benefit payments arising from (1) errors made in records maintained by the
14 Retirement Fund or the government, (2) errors made in the amount of
15 contributions made on behalf of a member or beneficiary, or (3) errors made in
16 the computation of benefit amounts.

17 *I Liheslaturan Guåhan* further finds that such provisions are necessary to
18 ensure that the Defined Benefit Plan continues to be administered solely in the
19 interest of the members and beneficiaries of the Fund and for the exclusive
20 purpose of providing benefits to members and beneficiaries. *I Liheslaturan*
21 *Guahan* further finds that when an error results in an incorrect benefit payment to
22 a member or beneficiary, then subsequent adjustments should be made in a
23 reasonable, fair and equitable manner, as guided by principles underlying the
24 common law of trusts, as expressed in Section 254 of the Restatement (Second)
25 of Trusts.

1 (b) **Adjustments.** §8122.1, Article 1, Chapter 8, Title 4 of the Guam Code
2 Annotated as *repealed* by Public Law No. 25-72: IV:5, is hereby *re-enacted* to
3 read:

4 “§8122.1. **Adjustments.**

5 (a) When an error is made in the records maintained by the Fund or by
6 the government, or in the contributions made on behalf of a member,
7 or in computing a benefit, and, as a result, a member or beneficiary
8 is entitled to receive from the Fund more or less than the member or
9 beneficiary would have been entitled to receive had the records or
10 contributions been correct or had the error not been made, then (1)
11 the records, contributions, or error shall be corrected, and (2) as far
12 as practicable, future payments or benefit entitlement shall be
13 adjusted so that the actuarial equivalent of the annuity or benefit to
14 which the member or beneficiary was correctly entitled shall be
15 paid. If no future payment is due, a person who was paid any
16 amount to which the person was not entitled is liable for repayment
17 of that amount, and a person who was not paid the full amount to
18 which the person was entitle shall be paid the balance of that
19 amount.

20 (b) An adjustment that requires the recovery of benefits may not be
21 made under this section if:

22 (1) the error was not the result of erroneous information supplied by the
23 member or beneficiary;

24 (2) the member or beneficiary did not have reasonable grounds to believe
25 that the amount of the benefit was in error; and

26 (3) the incorrect benefit was first paid four years or more before the
27 member or beneficiary was notified of the error.

- 1 **(c)** At every regularly scheduled meeting of the Board of Trustees of
2 the Fund, the Director shall report to the Board on all situation since
3 the Director’s last report in which an adjustment has been prohibited
4 under (b) of this section. If the Board finds that there is reason to
5 believe that one or more of the conditions set out in (b) of that
6 section have not been met, the Director shall notify the member or
7 beneficiary that an adjustment will be made to recover the
8 overpayment.
- 9 **(d)** Notice of the adjustment under this Subsection shall include a
10 statement that the affected member or beneficiary may appeal the
11 adjustment to the record by notifying the Director, in writing, within
12 thirty (30) days after receipt of notice that the records will be
13 adjusted. A member or beneficiary who receives notice of
14 adjustment under this subsection may appeal to the Board for a
15 waiver of the adjustment in accordance with Section 8122.2(b). An
16 adjustment shall not be required while the appeal is pending.
- 17 **(e)** The Fund shall pay regular interest on amounts owed to a member
18 or beneficiary.
- 19 **(f)** Interest shall be charged on amounts owed to the Fund by a member
20 or beneficiary if the amount owed is the result of erroneous
21 information supplied by the member or beneficiary, or if the
22 member or beneficiary had reasonable grounds to believe the
23 amount of the benefit was in error. The interest paid under this
24 subsection shall be equal to the rate established in §8137(c) for
25 which the correct payment was due and shall continue until an
26 actuarial adjustment to the benefit is effective or the amount owed is
27 paid.”

1 (b) **Waiver of Adjustments.** A new §8122.2 is hereby *added* to Article 1, Chapter
2 8, Title 4 of the Guam Code Annotated, to read:

3 **“Section 8122.2. Waiver of Adjustments.**

4 (a) Upon appeal to the Board by an affected member or beneficiary
5 under (b) of this section, the Board may waive an adjustment or any
6 portion of an adjustment made under §8122.1 if , in the opinion of the
7 Board:

8 (1) the adjustment or portion of the adjustment will cause undue
9 hardship to the member or beneficiary;

10 (2) the adjustment was not the result of erroneous information
11 supplied by the member or beneficiary; and

12 (3) the member or beneficiary had no reasonable grounds to believe
13 the records were incorrect or a mistake had been made before
14 the adjustment was made.

15 (b) In order to obtain consideration of a waiver under this section,
16 the affected member or beneficiary must appeal to the Board in
17 writing within thirty (30) days after receipt of notice that an
18 adjustment is to be made.

19 (c) The Board may conduct a hearing on an appeal under this
20 Section.

21 (d) The Board may impose conditions on the granting of a waiver
22 which it considers equitable. These conditions may include
23 requiring the member or beneficiary to make additional
24 contributions, with interest, to the Fund.

25 (e) The Board may reconsider a ruling under this section,
26 pursuant to the procedures set fort in the Administrative
27 Adjudication Act.”

1 **Section 97. Title 11 G.C.A. Section 51102 (a) is hereby *amended* to read:**

2 **(a)** The Director of the Department of Administration (‘DOA’) shall directly
3 deposit within ten (10) days at the end of each month to the Trust Fund a sum
4 equivalent to a percentage of the total income collections for the month equal to its
5 percentage of the budgeted forecasted amount set aside for Income tax refunds, earned
6 income tax credits and child tax credits adopted in that fiscal year’s budget, so that at
7 the end of the calendar year, the total amount set aside for income tax refunds, earned
8 income tax credits and child tax credits shall have been deposited into the Trust Fund.
9 The funds deposited in the Trust Fund by the Director of DOA shall automatically be
10 transferred to the Income Tax Reserve Fund once the Tax Commissioner is ready to
11 make the necessary payments pursuant to §50105 of Chapter 50, Division 2 of Title 11
12 of the Guam Code Annotated. The interest and investment earnings shall remain within
13 the Trust Fund.”

14 **Section 98.** The Director of Public Works is authorized to delete and add
15 secondary and tertiary road repair projects to the list detailed in Part IV of Chapter II
16 in this Act, should such amendment be necessary due to changes in cost estimate,
17 availability of funds or critical need, provided that the repair of potholes on primary
18 and secondary roads must remain a top priority, and must commence as soon as is
19 practicable. Any fees or charges required as a consequence of the issuance of
20 revenue bonds as authorized in Part IV of Chapter II of this Act shall be paid from
21 the proceeds of such bonds. The Director of Public Works may use proceeds of the
22 bond, as well as other funds transferred to the Road and pothole Repair Fund
23 established in Part IV of Chapter II of this Act, for the bulk purchase of asphalt or
24 pavement oil, pursuant the Procurement Law, in the interest of reducing costs of
25 repair.

1 **Section 99. Contracts.**

2 **(a)** *Except* for positions filled in accordance with the merit system at the
3 University of Guam, the Guam Community College, the Guam Public School System,
4 the Judiciary of Guam, the Department of Law, the Guam Police Department, *I*
5 *Liheslaturan Guåhan*, and licensed health professionals at the Guam Memorial
6 Hospital, the Department of Public Health and Social Services and the Department of
7 Mental Health and Substance Abuse, positions in the classified and unclassified service
8 shall *not* be filled pursuant to a contractual arrangement.

9 **(b)** Pursuant to the procurement law, government of Guam departments and
10 agencies may enter into agreements with independent contractors provided that *no*
11 agency may contract for services customarily provided by employees defined in the
12 classified service, unless permitted by the enabling legislation of the agency.

13 **(c)** This Section does not prohibit the use of independent contracts to obtain
14 commonly recognized professional services, such as licensed health professionals,
15 licensed architects, licensed engineers, legal services, actuarial services and auditing
16 services (to include the Government of Guam Annual Financial Audit) by those
17 agencies that do not customarily obtain such services through an employee.

18 **(d)** The Attorney General may contract with attorneys as independent
19 contractors who can provide assistance in areas in which it is impracticable for the
20 Department of Law to proceed with its existing civil service attorneys, such as anti-
21 trust, maritime and admiralty law, patent and copyright law, prosecution of white collar
22 crime, utilities regulation, the issuance of bonds, special tax issues, and complete civil
23 litigation. The Attorney General shall file a copy of every such contract with the Chief
24 Procurement Officer and the Division of Accounts at the Department of Administration
25 together with a written certification stating why it was impracticable to handle the
26 matter with the Department's civil service attorneys and justifying the hiring of an
27 independent contractor.

1 **Section 100. Recruitment Above-Step for the Guam Public School System.**

2 A new Section 6205.1 is hereby *added* to Title 4 of the Guam Code Annotated to read
3 as follows:

4 **“§6205.1 Recruitment Above-Step for the Guam Public School System.**

5 Notwithstanding the provisions of Title 4 GCA §6205, Step 1 of the Pay Grade
6 assigned to a classified position shall be the regular rate for initial employment in Guam
7 Public School System. The Superintendent of Education may petition the Guam
8 Educational Policy Board for recruitment at a higher step not to exceed Step 10,
9 because of recruitment difficulty or exceptional qualifications for *professional*
10 *education positions*. This petition shall be made before an applicant is hired. Every
11 petition shall be scrutinized and amply justified before being approved. The Guam
12 Educational Policy Board may establish policies to administer this Section. Increment
13 schedule consisting of Steps 11 through 20 shall not be used for recruitment above-step.
14 Such *professional education positions* may include, but not be limited to the following:

- 15 1. Teacher II – VI, in any Special Education Program, Mathematics, Science and
16 Language Arts
- 17 2. Program Coordinator II – IV, Autism Program
- 18 3. Program Coordinator II – IV, Assistive Technology Program
- 19 4. Program Coordinator II – IV, Transition Program
- 20 5. Program Coordinator II – IV, State Compliance Monitoring Program
- 21 6. Psychologist, Emotional Disabilities Program
- 22 7. Psychologist, Psychological Services Program
- 23 8. Speech Language Pathologist
- 24 9. Speech Language Clinician
- 25 10. Speech Language Pathology Supervisor
- 26 11. Audiologist
- 27 12. Occupational Therapist I – II

- 1 13. Physical Therapist I – II
- 2 14. Nutritionist
- 3 15. Assistant Superintendent, Special Education
- 4 16. Associate Superintendent, Special Education.”

5 **Section 101. Continuing Appropriation for Judiciary.** The appropriations
6 made to the Unified Judiciary for its operations pursuant to Appendix B, Chapter II of
7 Public Law 27-106 and from the Fiscal Year 2004 Budget Act shall continue until all
8 sums are expended.

9 **Section 102. Public Auditor Election.** §1903 of Chapter 19 of Title 1 of the
10 Guam Code Annotated is hereby *repealed and reenacted* to read as follows:

11 “**§1903. Public Auditor Election.** The Public Auditor shall be elected by
12 the voters of Guam in a general election occurring at the same time as the general
13 election for Mayors. The Public Auditor shall serve a term of four (4) years. The
14 Public Auditor is a non-partisan office. No candidate for the position of Public Auditor
15 shall declare a political party affiliation. No candidate for the office of Public Auditor
16 shall seek the endorsement or receive directly or indirectly financial or material support
17 from a political party. Any violation of the aforementioned shall constitute the Guam
18 Election Commission to invalidate the candidacy of the individual for Public Auditor.
19 Candidates for Public Auditor shall be subject to the same campaign and personal
20 financial reporting requirements as applied to candidates for *I Maga’lahen Guåhan*, as
21 well as all laws pertaining to campaign contributions. No nominating petition shall be
22 required of a candidate for Public Auditor. A candidate for the position of Public
23 Auditor shall file candidacy with the Guam Election Commission in the manner similar
24 to a candidate for *I Maga’lahen Guåhan*, *except* as is not consistent with this Chapter.
25 There shall be no primary election for the position of Public Auditor. All qualified
26 candidates complying with the provisions of this Chapter shall be placed on the general
27 election ballot. In the general election, the candidate receiving the most votes, subject

1 to the qualifications established by this Chapter, shall be certified by the Guam Election
2 Commission as having won election to the position of Public Auditor.”

3 Section 103. Guam Visitors Bureau Employment Contracts. **Subsection**
4 **9109(c) of Chapter 9, Article 1, 12 Guam Code Annotated is repealed in its**
5 **entirety.**

6 **Section 104. Land Exchange for Mr. George Toves to provide public**
7 **access to Ukudu High School site:**

8 **Land Exchange.** *I Maga’lahen Guåhan* and the Chamorro Land Trust
9 Commission shall cause and execute a consolidation and land exchange involving Basic
10 Lot 5311-REM Dededo privately owned by George Toves and a portion of Basic Lot
11 10120-R20 known as Tract 11406 owned by the Government of Guam to provide for
12 access for the Ukudu High School Site and usable lots. The land exchange shall be on an
13 area for area basis. The provisions of this section shall be applicable to the Municipal
14 Lease program for the Ukudu school as provided for in Part I of Chapter II of this Act.

15 **Section 105.** §4109.2 of Title 4 of the Guam Code Annotated is hereby *amended*
16 as follows:

17 **“§4109.2. Leave Sharing Program.**

18 **(a) Legislative Statement.** From time to time, classified employees in the civil
19 service of the government of Guam have occasion to need leave for personal reasons,
20 but may have already exhausted the leave that they have earned and accrued. At times
21 like these, particularly when the employee needs time off to take care of sick family
22 members or in the case of the military reserves and National Guard members, being
23 called to active duty in excess of fifteen (15) working days, the employee might be
24 forced to take leave without pay. Through the generosity of the other employees, the
25 affected employees could be relieved of the stress of this situation.

26 **(b) Voluntary Transfer of Sick Leave or Annual Leave.** Whenever a
27 government of Guam employee desires to transfer a number of hours of earned sick

1 leave or annual leave to another employee in any department or agency of the
2 government, a formal written request shall be made by the donor employee to that
3 person's payroll supervisor, stating the name of the recipient, the number of hours of
4 leave to be transferred and the type of leave. No transfer may be made by any employee
5 to that person's supervisor, or to any person above that employee in the supervisory
6 chain, or to a member of the supervisor's or such supervisory person's immediate
7 family. If the donor has sufficient hours of leave accrued to cover the donation, the
8 payroll supervisor shall notify the Payroll Division to transfer the approved number of
9 hours to the recipient. Upon receipt of the notice of transfer, the receiving employee
10 may then submit a leave request for the number of hours of leave, sick or annual, that
11 the employee needs and the department head shall then approve the leave request.
12 Leave may not be transferred to another employee if as a recipient that employee
13 intends to use it for credit towards retirement or accumulated leave. This transfer of
14 leave shall be strictly on a voluntary basis. Leave transferred shall be used as leave by
15 the person to whom it is transferred, and if it is not used in its entirety, it may be re-
16 transferred to the person who originally earned it. In no event shall transferred leave be
17 converted to cash or retirement credit by the person to whom it is transferred.
18 Participation in the leave sharing program shall not exceeding ninety (90) working
19 days, shall require a certification from the attending medical doctor that the recipient of
20 the leave needs additional time for medical treatment or recovery from a medical illness
21 and is physically unable to return to work due to the medical illness. An additional
22 ninety (90) working days may be granted upon similar certification from the attending
23 medical doctor made within two (2) weeks of the first ninety (90) day period. A final
24 period of thirty (30) working days may be granted upon an additional certification from
25 the attending medical doctor that additional time is needed for recovery.”

26 **Section 106. A new §2301 is added to Title 3 GCA to read:**

27 **§2301. Recall of Elected Officials.**

1 (a) The people of Guam shall have the right of initiative, referendum, and recall
2 to be exercised under conditions and procedures specified in the laws of Guam

3 (b) Notwithstanding the provisions of Article 3, Chapter 17, Title 3 GCA,
4 Mayors, Vice Mayors, Consolidated Commission on Utilities members, Guam
5 Education Policy Board Members, and the Public Auditor may be removed from office
6 by a recall election in which at least two-thirds of the number of persons voting for
7 such official in the last preceding general election at which such official was elected
8 vote in favor of a recall and in which those so voting constitute a majority of all those
9 participating in the recall election.

10 (c) The Recall election shall be initiated by *I Liheslaturan Guahan* by the
11 following:

12 (1) a two-thirds vote of the members of *I Liheslaturan Guahan* in favor of a
13 recall; or

14 (2) a petition for such a recall to *I Liheslaturan Guahan* by registered voters equal
15 in number to at least 50 per centum of the entire number of votes cast at the general
16 election at which such official was elected preceding the filing of the petition.

17 **Section 107. Chapter 44 of Title 17 GCA is hereby repealed.**

18 **Section 108. Corrections Revolving Fund.** §90.49 of Article 1 of Chapter 90
19 of Title 9 of the Guam Code Annotated is *amended* to read:

20 **“§90.49. Corrections Revolving Fund.** There is hereby created, within the
21 Department of Corrections, a revolving fund called the ‘Corrections Revolving
22 Fund’, which shall be established by the Department of Administration in
23 accordance with the following provisions:

24 (a) All funds collected from the U.S. Marshall Service, the U.S.
25 Immigration Service and the U.S. Bureau of Prisons for housing
26 U.S. prisoners and detainees, confinement of military personnel as
27 agreed to in a Memorandum of Agreement between the United

1 States Air Force and the Department of Corrections dated March 5,
2 2003, employees of the Department of Corrections for meals they
3 purchase at the Department's dining facility, and the sale of hot
4 garbage (pig slop) to private persons, shall be deposited into said
5 Fund.

6 (1) Funds in the Corrections Revolving Fund may be used
7 to purchase clothing for prisoners and detainees, foodstuffs for the
8 dining facility, galley catering services and, equipment,
9 medical/dental supplies, prescription and over-the-counter
10 medicines, sanitary/ hygiene supplies, and other pharmaceutical
11 supplies for prisoners and detainees, including payment for
12 prisoner-detainee maintenance costs in any off-island prison or
13 medical institutions, payment for overtime and related personnel
14 costs and for DepCor Department of Correction Reservists.

15 (2) Expenditures from the Fund shall be approved by the
16 Director of Corrections and posted on the Department's website.

17 (3) A complete and accurate accounting of all money
18 deposited into and withdrawn from such Fund shall be maintained
19 by the Director of Administration.

20 (4) Such accounting shall include and clearly identify the
21 sources and amounts of all funds paid into or withdrawn from said
22 Fund.

23 **(b)** The Corrections Revolving Fund shall be maintained separate
24 and apart from all other funds of the government of Guam.

25 **(c)** *No* expenditures and encumbrances from the Corrections
26 Revolving Fund shall be made without legislative approval through
27 appropriation."

1 **Section 109.** *I Maga'lahren Guåhan* is authorized to give a “Cost of Living
2 Allowance” (COLA) of up to One Thousand One Hundred Dollars (**\$1,100**) per
3 annuitant of the government of Guam Retirement Fund and may further adjust
4 supplemental annuity capitations, subject to the availability of funds and the
5 sufficiency of prior years lapsed appropriations, as determined by *I Maga'lahren*
6 *Guåhan*.

7 **Section 110. Amendment to the Paseo de Susana Planned Development**
8 **District Act.** Section 8 of Public Law 27-24 is amended to read: The land leased to
9 the Guam Fishermen’s Cooperative Association shall be for a total period of sixty-five
10 (65) years. Upon expiration of the said sixty-five (65) years, the lease shall be subject to
11 legislative approval. The Guam Fishermen’s Cooperative Association shall be
12 authorized to borrow against the leasehold interest of the property subject to the terms
13 of the lease agreement, provided that as a condition of any mortgage securing such loan,
14 the mortgage shall contain a clause restricting any purchaser of the leasehold upon
15 default of the mortgage to use the leasehold only for the purposes authorized in the
16 *Paseo de Susana* Planned Development District Master Plan. *I Maga'lahren Guåhan* and
17 the Speaker of *I Liheslaturan Guåhan* shall be given notice by the Guam Fishermen’s
18 Cooperative Association prior to any default, and as a condition of the borrowing
19 authorized herein it shall be an express provision of the borrowing agreement that the
20 government of Guam be given a copy of all notices by either party pursuant to the
21 borrowing agreement. In addition, any borrowing against the leasehold interest shall
22 allow for a curing of the default by the government of Guam prior to the sale of the
23 property by mortgagor pursuant to a power of sale. The Guam Fishermen’s
24 Cooperative Association shall not sublease the property or assign the leasehold;
25 provided, however, that the Guam Fishermen’s Cooperative Association may enter into
26 tenant leases for no greater than twenty-five (25) years for spaces or rooms within the
27 existing or proposed buildings or extensions including satellite structures within the

1 property, located on the leasehold property where the tenants may operate retail, service
2 or restaurant business consistent with the purposes of the *Paseo de Susana* Planned
3 Development District Master Plan.

4 **Section 111. Temporary Employment of Retired Corrections Officers.**

5 Notwithstanding the provisions of Section 8121(a) of Chapter 8 of Title 4 of the Guam
6 Code Annotated, the Department of Corrections may hire retired Guam Correction
7 Officers when a critical need arises. Retired corrections officers hired under this
8 Section may receive their retirement annuity while employed on this temporary basis.
9 Officers may *only* be hired under this Section to fill positions left vacant because of
10 military activation of corrections officers filling those positions and shall be terminated
11 when the incumbent returns from military service. Retired officers may be hired only
12 in the ranks of Corrections Officers Supervisor I and below at Step I only and shall *not*
13 be entitled to sick and annual leave. Officers hired under this Section shall first pass
14 requirements for the position for which they are being considered *except* for written
15 examinations, and the Director of the Department of Corrections shall certify that every
16 retiree hired is fit for duty.

17 **Section 112.** Subsection (a) of 4109 of Title 4 GCA is hereby *amended* by
18 *amending* Item (2) and *adding* a new Item (3), to read:

19 (2) Three-fourths day (6 hours) for each bi-weekly pay period in the
20 case of employees with five (5) years of service but less than
21 fifteen (15) years of service.

22 (3) One (1) day (8 hours) for each full biweekly pay period in the case
23 of employees with fifteen (15) years or more service.”

24 **Section 113.** Title 5 G.C.A. §23105 is *amended* to read:

25 “§23105. **Mileage Allowance.** Persons authorized to travel at
26 government expense shall, in accordance with regulations and whenever such mode of
27 transportation is authorized or approved as more advantageous to the government, be

1 paid in lieu of transportation a maximum personal vehicle mileage allowance rate equal
2 to the mileage reimbursement rate provided by the Federal government, contained in
3 the Federal Travel Regulations, to its employees for the use of personal vehicles when
4 engaged on official business.

5 **Section 114.** §(a) of Title 5 G.C.A. Section 23104 is *amended* to read:

6 **“§23104. Per Diem Allowance.** (a) Prior to departure, the employee
7 shall receive an advance per diem allowance equal to the number of days of authorized
8 office travel multiplied by the current per diem allowance rate provided by the Federal
9 government, contained in the Joint Travel Regulations, to its employees for the
10 respective travel destinations when engaged in official business.

11 a. If the employee is the Governor, Lieutenant Governor, a member
12 of the Legislature or a Judge, the rates are One Hundred Thirty Percent (130%)
13 of the basic per diem rates;

14 b. If the employee is an Executive Assistant or Special assistant to the
15 Governor, director or deputy director of any department, or member of the
16 board of directors or commission of any autonomous agency, authority, line
17 agency (including the Council of the Arts and Humanities), authority, or public
18 corporation, the rates are One Hundred and Twenty-five Percent (125%) of the
19 basic per diem rates.”

1 (a) Fifteen (15) days after the report's due date, *I Maga'lahi*, through the
2 Bureau of Budget and Management Research, shall notify the responsible
3 Department/Agency Head of the Executive Branch, of non-compliance and the
4 imminent deappropriation of funds.

5 (b) Fifteen (15) days after the report's due date, the Chairpersons of all
6 applicable Boards and Commissions shall notify the responsible reporting Official,
7 listed in this Section, of non-compliance with reporting requirements and the imminent
8 deappropriation of funds.

9 **Section 3. Deappropriation of Funds.** Failure to comply with reporting
10 requirements as mandated in this Act, after the forty-fifth (45th) day from the original
11 report due date, shall result in the automatic deappropriation of funds of five percent
12 (5%) of the appropriations made to the non-compliant entity for EACH requirement not
13 met. This Section shall *not* apply when the island is declared to be in the Condition of
14 Readiness One or when *I Maga'lahi* has declared a state of emergency. The Public
15 Auditor shall certify the deappropriation and report it to *I Maga'lahaen Guåhan* and the
16 Speaker of *I Liheslaturan Guåhan*. The Bureau of Budget and Management Research
17 shall adjust the appropriation/allotment to effectuate any deappropriation and submit a
18 report of such deappropriation(s) along with copies of the appropriation/allotment
19 modification to the Speaker of *I Liheslaturan Guåhan*.

20 **Section 4. Authorization for Payment of Prior Years' Obligations.**
21 Appropriations made in this Act may be expended for the payment of prior years'
22 obligations. *I Maga'lahaen Guåhan* shall deliver notice to the Speaker of *I Liheslaturan*
23 *Guåhan* of each proposed expenditure. *I Liheslaturan Guåhan* shall have twenty (20)
24 days to act on such notice. Such expenditure will be effective if no action is taken by *I*
25 *Liheslaturan Guåhan*. For these purposes only, 2 GCA §2103, requiring a public
26 hearing for all bills, and 5 GCA §8107, requiring notice of regular meetings, including
27 legislative sessions, shall *not* apply.

1 **Section 5. Night Differential Pay.** §6217 of Title 4 of the Guam Code
2 Annotated is *amended* to read:

3 “§6217. Night Differential Pay. All employees of the government of Guam,
4 except the department or agency heads and the Deputy Directors, shall be entitled
5 to night differential pay, calculated at the rate of their regular wage plus ten
6 percent (10%), for all periods worked between the hours of 6 p.m. and 6 a.m.,
7 provided they work a minimum of more than four (4) consecutive hours within
8 that time period.”

9 **Section 6. Corrections Officers—Hazardous Pay Amendment.** Title 4
10 GCA Section 6222 is *amended* to read:

11 “(a) A corrections officer or any employee of the government who
12 performs the duty of guarding prisoners shall be entitled to hazardous pay
13 calculated at the rate of his or her regular wage plus ten percent (10%) for all
14 periods he or she is on such duty. The differential shall be applicable only during
15 time of exposure.

16 (b) Any marshal, probation officer, or alternative sentencing officer of
17 the Judiciary is eligible to receive hazardous pay for any duty considered to be
18 under hazardous conditions as specified by the Superior Court of Guam’s
19 Personnel Rules and Regulations, provided that ”hazardous condition” shall not
20 include the customary, ordinary, or routine duties of marshals, probation officers
21 and alternative sentencing officers.”

22 **Section 7. Authorization for Matching Requirements for Federal Grants-**
23 **In-Aid.** Notwithstanding any other provision of law, departments are authorized to
24 expend funds appropriated in this Act for matching requirements of Federal grants.

25 **Section 8.** The appropriation to the Guam Public School System based upon a
26 sum equal to a percentage of the collections for withholding taxes, interest and
27 penalties, as detailed in Part I of Chapter II of this Act, is capped at One Hundred Sixty

1 Million Fourteen Thousand Three Hundred Sixty-two Dollars (**\$160,014,362**) for FY
2 2006 only. The appropriation to the Guam Memorial Hospital Authority based upon a
3 sum equal to a percentage of the collections for gross receipts tax, as detailed in Part III
4 of Chapter II of this Act, is capped at Nine Million Four Hundred Thirty-one Thousand
5 Two Hundred Twelve Dollars (**\$9,431,212**) for FY 2006 only.

6 **Section 9. Severability.** *If* any provision of this Act or its application to
7 any person or circumstances is held invalid, the invalidity shall *not* affect other
8 provisions or applications of this Act which can be given effect without the invalid
9 provision or application, and to this end the provisions of this Act are severable.

10