

MINA TRENTA NA LIHESLATURAN GUAHAN
THIRTIETH GUAM LEGISLATURE
2009 (FIRST) Regular Session

Bill No. B199-30 (COR)
Introduced by:

FRANK B. AGUON, JR. 

AN ACT TO AUTHORIZE *I MAGA'LAHEN GUAHAN* TO ACCESS FUNDS UP TO THE SUM OF TWO HUNDRED FIFTY THOUSAND DOLLARS (\$250,000.00) FROM ANY AND ALL ACCOUNTS OF THE FISCAL YEAR 2009 EXECUTIVE BRANCH BUDGET FOR EMERGENCY PURPOSES RELATED TO THE H1N1 VIRUS THREAT BY WAY OF PREPAREDNESS, EDUCATION, TRAINING, AND MITIGATION; TO AUTHORIZE THE DEPARTMENT OF PUBLIC HEALTH & SOCIAL SERVICES TO EXERCISE EMERGENCY PROCURMENT PROCEDURES; AND, TO PROVIDE FOR THE CONDITIONAL HIRING OF LIMITED TERM EMPLOYEES RELATIVE TO THE PURPOSES OF THIS ACT.

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

2 **Section 1. Legislative Finding / Intent.** With the looming national and
3 worldwide spread of novel Influenza A H1N1 virus, Guam's public and private
4 sector efforts had been geared towards obtaining and disseminating information
5 from federal health services and responders. Local public health coordinators and
6 associated responders have been working hand-in-hand with the public, businesses
7 and schools towards combating its anticipated spread through awareness programs
8 and practical health safety measures. Such advance coordinated efforts are critical
9 to emergency preparedness.

10 Now, with the virus finally having reached Guam, we have in a very short
11 period seen in excess of 61 cases, with one death. The spread disturbingly
12 continues to rapidly rise at an exponentially increasing rate. Though the aggressive

1 proactive, efforts of the Governor, Public Health & Social Services, medical
2 professionals, and Homeland Security have been exemplary, they are rapidly
3 finding themselves in ever greater need of additional resources. It is appropriate
4 that legislative action be immediately taken towards supporting and supplementing
5 the diligent efforts of public health employees and the office of the Lt. Governor
6 who have worked closely with federal officials to obtain grants, as well as possibly
7 achieve the critical goal of establishing a regional laboratory to be situated on
8 Guam.

9 *I Liheslaturan Guahan* finds that it is the public interest to take immediate
10 steps to mitigate the spread and impact of novel Influenza A H1N1 virus by way of
11 aggressive, proactive planning and preparedness activities and programs. In this
12 regard, it is imperative that public health care professionals and associated
13 coordinating responders such as Homeland Security be fully supported. With the
14 rapidly pending approach of the fall influenza season and the opening of the 2009
15 school year, time is of the essence.

16 *I Liheslaturan Guahan* further finds that the Department of Public Health &
17 Social Services is in need of adequate personnel to significantly escalate public
18 health response activities; as necessary to quickly respond on a larger scale to the
19 pandemic threat. Whereas, the performance and successful accomplishment of this
20 critical task is directly dependent upon the ability to have timely access to funds, it
21 is necessary to take provisional steps by way of empowering *I Maga'lahen Guahan*
22 with an expanded transfer authority inclusive of access to any and all accounts of
23 the Fiscal Year 2009 Executive Branch budget.

24 It is therefore the intent of *I Liheslaturan Guahan* to provisionally provide *I*
25 *Maga'lahen Guahan* with the funding authority, resources and personnel necessary
26 to proactively combat this serious pandemic health threat to the people of Guam;
27 by way of preparedness, education, training and mitigation activities.

1 **Section 2. Transfer Authority of *I Maga'lahaen Guahan*.** *I Maga'lahaen*

2 *Guahan* is authorized to access funds up to the sum of TWO HUNDRED FIFTY
3 THOUSAND DOLLARS (\$250,000.00) from any and all accounts originating
4 from the Fiscal Year 2009 Executive Branch budget. Said funds shall be deemed
5 de-appropriated from the respective originating FY-2009 Executive Branch budget
6 account, and appropriated to the Department of Public Health & Social Services.
7 The funds appropriated shall be immediately transferred, in its entirety, to the
8 Department of Public Health & Social Services. The funds appropriated pursuant
9 to this Section shall be expended for purposes solely and directly related to
10 mitigating the impact and spread of novel Influenza A H1N1 virus. It is further
11 provided that:

12 (a) *I Maga'lahaen Guahan* shall submit a monthly report to *I Liheslaturan*
13 *Guahan* relative to source(s) and amounts of funds transferred to the
14 Department of Public Health & Social Services.

15 (b) No funds shall be obtained from the Department of Education budget.

16 (c) The Director of the Department of Public Health & Social Services shall
17 submit a by-weekly financial report to *I Liheslaturan Guahan*, via the
18 office of *I Maga'lahaen Guahan*, relative to all expenditures of funds
19 authorized pursuant to this Act, and shall continue reporting until such
20 time as all funds have been expended.

21 (d) Reimbursement: The Department of Public Health & Social Services
22 shall exhaust all efforts necessary to obtain federal funds to reimburse the
23 accounts of the funding sources drawn on pursuant to this Act.

24 **Section 3. Continuing Authorization.** Unexpended funds appropriated for

25 Fiscal Year 2009 and identified and authorized for expenditure pursuant to this Act

1 shall carry over and continue to be available for expenditure in Fiscal Year 2010,
2 until such time as all funds have been fully expended.

3 **Section 4. Emergency Procurement Authorized.** The Department of
4 Public Health & Social Services is authorized to implement and exercise
5 emergency procurement procedures for any expenditures directly pertaining to
6 mitigating the impact and spread of novel Influenza A H1N1 virus.

7 (a) DPHSS shall report on and submit monthly to *I Liheslaturan Guahan*, via
8 *I Maga'lahaen Guahan*, all information, inclusive of documentation,
9 relative to the exercise and use of the provisions authorized pursuant to
10 this section.

11 **Section 5. Conditional Waiver of Limited Term Appointment**
12 **Moratorium.** Notwithstanding Sub-Section (e) of Section 37, Chapter VII, of
13 Public Law 29-113, the Department of Public Health & Social Services is
14 authorized to hire limited term employees above staffing pattern funding levels,
15 provided:

16 (i) The term of employment shall not exceed six (6) months; &
17 (ii) Expenditures for limited term employees shall not exceed the funds
18 authorized pursuant to this Act.

19 (a) Section 5(c) of Chapter VI, of Public Law 29-113 shall not be construed in
20 such a way so as to limit or constrain the hiring, job description and/or
21 function of limited term employees hired pursuant to this Act, so long as the
22 employees are solely utilized in activities directly related to the H1N1 virus.