

1 properties transferred by the Guam Ancestral Lands Commission from
2 returned federal excess lands, retroactive to the time of return of the
3 property to the original land owners, their estates or their heirs. (b)
4 Properties having no zoning designation after tax year 2007 due to
5 their previous status as federal excess lands shall be subject to said
6 moratorium on the payment of real property taxes until the property is
7 designated a zone.”

8 **Section 32. Reenactment.** Sections 19107.1, 19107.2, 19112.1
9 and 19120 of Title 3 Guam Code Annotated are *repealed*. The latest
10 amendments made to §§19104(b), 19109 and 19119 of Title 3 Guam Code
11 Annotated are repealed and *reenacted* to their original form that was
12 effective prior to such amendments.

13 **Section 33. Air Ambulance Service Trust Account.** One Million
14 Dollars (\$1,000,000) of the Fiscal Year 2007 appropriation to the Medically
15 Indigent Program Fund shall be deposited into a separate trust account and
16 shall be used exclusively for the cost of authorized air ambulance services.
17 Allotments to the Medically Indigent Program must be made simultaneously
18 with a proportional allotment to the Air Ambulance Service Trust Account,
19 and vice versa. The Air Ambulance Service Trust Account shall remain
20 available for prompt vendor payment until expended and shall not be
21 pledged as collateral, reprogrammed or transferred for any other use.
22 Amounts in the Air Ambulance Service Trust Account shall be disbursed
23 *only* to transport qualified MIP patients whose prognosis for survival and
24 recovery, as determined and certified by the attending physician, requires
25 immediate medical services not available on island, but which may be
26 reasonably acquired, with the assistance of air ambulance services, at the
27 nearest JCAHO or Joint Commission Accredited medical facility.

1 **Section 34. Advance Payments for Medical Services.** For the
2 purpose of expediting the acceptance of MIP clients by off-island hospitals
3 in California, Hawaii or Manila for approved medical treatment under the
4 Medically Indigent Program, the Department of Public Health and Social
5 Services is authorized to make advance payments for medical services, and
6 to establish escrow accounts for immediate payment of medical services, at
7 those Joint Commission Accredited hospitals determined by the Director of
8 Public Health and Social Services to be best able to serve Medically Indigent
9 Program clients.

10 **Section 35. Title 3 G.C.A. § 7108(b) is amended to read:**

11 “(b) For each office, on a ballot, except the Education
12 Policy Board, the Commission shall provide a line,
13 or lines, with an oval or other space to mark to
14 permit votes to be cast for write-in candidates. If
15 the name filled in by a voter adequately identifies
16 the write-in candidate, the vote shall be valid for
17 that candidate; provided, that the voter has filled in
18 or darkened the adjacent oval or other space that is
19 to be marked.”

20 **Section 36. Title 17 G.C.A. § 3117 is amended to read:**

21 **“§ 3117. Same: Vacancies.**

22 (a) Any vacancies, including initial vacancies, of
23 elected member positions occurring on the Board shall be
24 filled forthwith by appointment of *I Maga’lahen Guåhan*
25 (the Governor of Guam) for the term or remaining term
26 of office, subject to confirmation by *I Liheslaturan*
27 *Guåhan* (the Guam Legislature). Vacancies, including

1 initial vacancies, shall be filled by appointment of a
2 person from the same district(s) in which the vacancies
3 occur.

4 (b) Persons may be appointed and confirmed to fill
5 anticipated initial vacancies at any time between the
6 last day for nomination of candidates specified by Title
7 17 GCA §3114 and the general election and shall assume
8 office upon appointment but not before the members
9 elected pursuant to Title 17 G.C.A. §3113 assume
10 office.”

11 **Section 37.** §3115 of 17 GCA is *amended* to read:

12 **“§3115. Same: Term of Office of Elected Members.**

13 The members of the Board shall be elected by district at
14 the next General Election or Special Election. The terms of office of
15 Board members elected pursuant to this Section shall commence at
16 12:00 noon on the first Monday in January immediately following the
17 date they were elected and terminate at 11:59 a.m. on the first Monday
18 in January immediately following the date of the next General
19 Election.”

20 **Section 38.** The effective date of §§35, 36 and 37 shall be on the
21 election date of 2008.

22 **Section 39. Disbursements from the Tourist Attraction Fund.**

23 For Fiscal Year 2007, the Department of Administration shall allocate and
24 disburse monthly fund releases from the Tourist Attraction Fund per the
25 following priorities:

1 1st Priority – Debt Service for the 1997 Infrastructure Improvement
2 Bond;

3 2nd Priority – FY 2007 appropriations to the Guam Visitors Bureau;

4 3rd Priority – All other FY 2007 appropriations.

5 **Section 40. Department of Corrections Lapsed Funds Carryover.**

6 (a) The Department of Corrections is hereby authorized to
7 use Fiscal Year 2006 lapsed funds in Fiscal Year 2007 or until
8 exhausted.

9 (b) *Not later than* October 31, 2006, the Department of
10 Corrections shall submit a report of Fiscal Year 2006 funds
11 carried over to Fiscal Year 2007 to the Speaker of *I*
12 *Liheslaturan Guahan*.

13 **Section 41. Guam Fire Department Lapsed Funds Carryover.**

14 (a) The Guam Fire Department is hereby authorized to use
15 Fiscal Year 2006 lapsed funds in Fiscal Year 2007 or until
16 exhausted.

17 (b) *Not later than* October 31, 2006, the Guam Fire
18 Department shall submit a report of Fiscal Year 2006 funds
19 carried over to Fiscal Year 2007 to the Speaker of *I*
20 *Liheslaturan Guahan*.

21 **Section 42. Guam Police Department Lapsed Funds Carryover.**

22 (a) The Guam Police Department is hereby authorized to use
23 Fiscal Year 2006 lapsed funds in Fiscal Year 2007 or until
24 exhausted.

25 (b) *Not later than* October 31, 2006, the Guam Police
26 Department shall submit a report of Fiscal Year 2006 funds

1 carried over to Fiscal Year 2007 to the Speaker of *I*
2 *Liheslaturan Guahan*.

3 **Section 43.** Title 5, Division 1, Chapter 3, Article 3, §3104 is
4 *amended* to read:

5 **“§3104. Reinstatement of Chief of Police and Fire Chief to**
6 **Classified Position.** Notwithstanding any other provision of law, a
7 person appointed by the Governor to be Chief of Police or Fire Chief
8 who is a member of the classified service immediately prior to such
9 appointment as Chief of Police or Fire Chief shall continue to receive
10 the salary he receives for his classified position while serving as Chief
11 if it is greater than the salary established by law for the position of
12 Chief and shall be reinstated to the position he held immediately prior
13 to such appointment as Chief upon termination of his employment, if
14 not removed for cause, as Chief of Police or Fire Chief.”

15 **Section 44. Compensation for Commissioners on the**
16 **Consolidated Commission on Utilities.** §79106 of Title 12, Division 2,
17 Chapter 79 of the Guam Code Annotated is *amended* to read:

18 **“§79106. Compensation.** Commissioners shall be
19 compensated at the rate of One Thousand Dollars (\$1,000.00) per
20 month for their services. All funds required for the operations of the
21 Commission shall be obtained by subscription from the Authorities
22 administered by the Commission, pursuant to such formula as the
23 Commission shall devise. Commissioners shall not be eligible for
24 government of Guam retirement or insurance benefits, or other
25 benefits associated with government of Guam employment.

1 Commissioners who are government of Guam retirees may serve on
2 the Commission without giving up their retirement benefits.”

3 **Section 45. Audit Supplementary Information.** The Public
4 Auditor and the Director of Administration shall ensure that the audit of the
5 Government of Guam Financial Statements contains the following
6 supplementary information:

7 (a) A Schedule of Personnel Count indicating the number of
8 filled positions by department, fund source and amount
9 expended as of September 30, 2006; and

10 (b) A Combining Schedule of Expenditure, Encumbrances and
11 Continuing Appropriations by Department, Fund Source and
12 Object Classification as of September 30, 2006.

13 **Section 46.** Title 17 GCA §18102 is *amended* to read:

14 **“§18102. Educator Corps Council Composition and the**
15 **School of Education.**

16 The Educator Corps Council shall consist of seven (7)
17 members. These members are: the administrative chair of the School
18 of Education of the College of Professional Studies or its successor in
19 interest of the University of Guam; the Personnel Administrator of the
20 Guam Public School System or its successor in interest; the Associate
21 Superintendent for Special Education of the Guam Public School
22 System or its successor in interest; a school principal from the Guam
23 Public School System or its successor in interest; a guidance
24 counselor from the Guam Public School System or its successor in
25 interest; a secondary school teacher who has been a master teacher for
26 at least one (1) semester from the Guam Public School System or its

1 successor in interest, or the Guam Community College; and an
2 elementary school teacher who has been a master teacher for at least
3 one (1) semester from the Guam Public School System or its
4 successor in interest. The principal, guidance counselor and teachers
5 shall be appointed by the Superintendent of Education. The members
6 of the Council shall elect a chairperson from among themselves to
7 preside over all meetings of the Council. The School of Education of
8 the University of Guam shall provide logistics and personnel
9 necessary for the operation of the Council, and the University of
10 Guam shall serve as the custodian for the Program's funds and
11 records. The Educator Corps Administrator shall be a faculty member
12 of the School of Education and shall serve in a non-voting, ex-officio
13 capacity as the Executive Secretary of the Council.”

14 **Section 47.** Title 17 GCA §18103 is *repealed* and *reenacted* to read:

15 **“§18103. Duties and Responsibilities.**

16 The Dr. Antonio C. Yamashita Educator Corps Council shall
17 advise the School of Education of the University of Guam regarding
18 the professional education programs contained in this Chapter as they
19 relate to the recruitment and education of prospective teachers,
20 counselors and school administrators and continuing education
21 requirements for the recertification of teachers.”

22 **Section 48.** Title 17 GCA §18103.1 is *added* to read:

23 **“§18103.1. School of Education: Duties and Responsibilities.**

24 The duties and responsibilities of the School of Education of
25 the University of Guam shall include:

1 (a) establishing, pursuant to the Administrative Adjudication
2 Law, rules, regulations and appropriate policies to govern the
3 Educator Corps;

4 (b) periodically assessing the professional staffing needs of
5 Guam's public schools and the Guam Community College;

6 (c) establishing priorities for scholarship awards based on the
7 needs of the Guam Public School System and the Guam Community
8 College;

9 (d) developing an annual program budget;

10 (e) establishing rules by which deferments of completion of
11 degree programs may be granted;

12 (f) establishing rules by which deferments of repayment
13 through employment service may be granted;

14 (g) establishing criteria for the selection and award of Educator
15 Corps Scholarship Awards;

16 (h) reviewing and approving Educator Corps Scholarship
17 Awards;

18 (i) designating and compensating representatives within Guam's
19 high schools, such as the advisors for the Future Educators of
20 America, to promote the Teacher Corps Program among high school
21 students; and

22 (j) designating and compensating Mentors within the Guam
23 Public School System participating in the Fifth-Year Teacher
24 Induction Program in accordance with rules and regulations enacted
25 pursuant to the Administrative Adjudication Law.”

26 **Section 49.** Title 17 GCA §18103.2 is *added* to read:

27 **“§18103.2. Annual Program Assessment and Evaluation.**

1 Within a month of the end of each academic year, the President
2 of the University of Guam shall conduct an annual assessment and
3 evaluation of the programs created by this Chapter. The findings and
4 recommendations of this evaluation shall be submitted in a report to *I*
5 *Liheslaturan Guåhan*.

6 **Section 50.** All references to “Director” made in the context of the
7 Educator Corps Director in Title 17 GCA, Chapter 18 are hereby changed to
8 “Administrator”.

9 **Section 51.** All references to “Council” or “Educator Corps
10 Council” made in the context of the Dr. Antonio C. Yamashita Educator
11 Corps Council in §§18104, 18105, 18107, Articles 2, 3, 4, 5, 6 of 17 GCA,
12 Chapter 18 are hereby changed to “School of Education”.

13 **Section 52. Effective Date of Amendments to the Dr. Antonio C.**
14 **Yamashita Educator Corps Amendments.** The effective date of Sections
15 46, 47, 48, 49, 50 and 51 of this Chapter shall be October 1, 2006. The
16 School of Education of the University of Guam shall promulgate Rules and
17 Regulations to administer the programs of this Chapter pursuant to the
18 provisions of the Administrative Adjudication Law. The School of
19 Education of the University of Guam shall use the existing Dr. Antonio C.
20 Yamashita Educator Corps Administrative Rules and Regulations, to the
21 extent that they are applicable, for the programs created by Title 17 GCA
22 Chapter 18 until new Administrative Rules and Regulations are enacted.

23 **Section 53. Extended Hours.** Title 4 GCA, Chapter 4, §4120(a) is
24 amended to read:

25 “(a) Extended Hours. Except for those agencies which observe
26 public service necessity service hours as defined in Items 2 & 3 of
27 Subsection (g) of this Section, all line agencies, departments,

1 autonomous entities and instrumentalities and public corporations of
2 the government of Guam, including the Superior Court of Guam *not*
3 excluded by paragraphs (e) and (f) of this Section shall commence
4 their regular work day at 7:00 a.m. and conclude at 6:00 p.m.
5 Mondays through Fridays, excluding holidays. Extending the work
6 week to Saturdays and Sundays shall be permitted at the discretion of
7 the director of each agency.”

8 **Section 54. Definitions.** Title 4 GCA, Chapter 4, §4120(g) is
9 *amended* to read:

10 “(g) Definitions. For the purposes of this section:

11 (1) *director* means the executive head of an agency; *division*
12 means any section, program or administrative unit of an
13 agency; and *agency* means an agency or department of the
14 executive branch of the government, or an autonomous
15 instrumentality of the government of Guam, or a public
16 corporation, or the Superior Court of Guam;

17 (2) *public service necessity agencies* means agencies or
18 components of agencies which operate between the hours of
19 7:00 a.m. – 8:00 p.m., Monday through Friday, and which
20 provide access to public service necessity activities during these
21 operating hours. *Public service necessity agencies* include, *but*
22 *are not limited to*, traffic court, components of the Superior
23 Court dealing with court clearances, and components of the
24 Treasurer of Guam, Division of Motor Vehicles, Department of
25 Revenue and Taxation, Guam Power Authority, Guam
26 Waterworks Authority, Department of Public Works and
27 community healthcare centers that provide counter or window

1 services. Directors may employ staggered hours, flexible
2 working hours, or split shifts to adequately provide public
3 access to public service necessity activities;

4 (3) *public service necessity activities* means activities mostly
5 engaged in by the public at times outside extended government
6 office hours involving counter or window services, which are
7 services provided at spaces designated for customer service
8 assistance to the public, and which generally involve details of
9 payment, forms and applications, certificates, and access to
10 general information, *e.g.* utility payments, vehicle registrations,
11 license requirements, and filing tax returns.”

12 **Section 55. Effective Date.** Sections 53 and 54 shall be effective
13 beginning March 1, 2007.

14 **Section 56. Guam Power Authority and Guam Waterworks**
15 **Authority Personnel Rules and Regulations.** The ninety (90) calendar day
16 approval provision of Title 5 Guam Code Annotated, Division 1, Chapter 9,
17 §9303(c), for the “Guam Power Authority and Guam Waterworks Authority
18 Personnel Rules and Regulations Governing the Selection, Compensation,
19 Promotion, Performance Evaluation, Disciplinary Action, and Terms and
20 Conditions of Employment for Certified, Technical, and Professional
21 Personnel” as submitted by the Consolidated Commission on Utilities on
22 July 26, 2006 to the Legislative Secretary is hereby extended to December
23 31, 2006.

24 **Section 57. Transportation of MIP & Medicaid Patients to off-**
25 **island Medical Facilities.** Two new sub-items (1) and (2) are *added* to
26 subsection (g) of §2910 of Article 2, Chapter 2, Title 10 of the Guam Code
27 Annotated as follows:

1 **(1) Agreements for Wholesale Purchase of Airline Tickets**
2 **Authorized.** Funds appropriated to the Department of Public
3 Health & Social Services for the Medically Indigent Program
4 and funds allocated under the Medicaid program may be used
5 for Off-Guam medical care and services provided for in this
6 Section. The Director of Public Health and Social Services is
7 authorized to enter into agreements with air carriers for the
8 wholesale purchase of airline tickets for roundtrip air
9 transportation and may obligate such funds as are necessary
10 from the funding sources provided for in this Section to enter
11 into such agreements.

12 **(2) Additional Medical Escorts Authorized.** At the discretion of
13 the Director of Public Health and Social Services, additional
14 medical escorts may be approved for air transportation and per
15 diem costs for patients requiring acute care.

16 **Section 58. Guam Fire Department Lapsed Funds.** Nothing
17 in this Act shall be construed to prohibit the use of Guam Fire
18 Department lapsed funds to pay any obligations arising from the
19 matters described in memorandum #HRD No. 06-0970 from the
20 Director of Administration to the Fire Chief dated September 7, 2006
21 as attached.

22 **Section 59. Continuing Appropriation for the Office *I***
23 ***Segundu Na Maga'lahaen Guåhan.*** The appropriations made to the
24 Office of *I Segundu Na Maga'lahaen Guåhan* pursuant to Section 3,
25 Chapter III of Public Law 28-68, and to the Guam State Clearing
26 House pursuant to Section 4, Chapter III of Public Law 28-68, shall
27 continue until all sums appropriated therein are expended.

1 **Section 60. GVB Special Projects Carryover.** The
2 appropriations contained in Sections 8(c) and 8(d) of Chapter III of
3 Public Law 28-68 shall not expire and shall continue for Fiscal Year
4 2007 until fully expended.

5 **Section 61. Accessible Parking Fund Reestablished.** A new
6 Subsection(c) is hereby *added* to §50111, Chapter 50 of Title 5 of the
7 Guam Code Annotated as follows:

8 “(c) A fund to be known as the Accessible Parking Fund is
9 hereby created, separate and apart from any other fund of the
10 government of Guam and is exempt from any transfer authority given
11 to *I Maga’Lahen Guåhan*. The Guam Police Department shall
12 maintain the fund and shall use it for the following purposes:

- 13 (1) Ensuring community awareness regarding parking issues
14 for individuals with disabilities;
- 15 (2) Monitoring and compliance of accessible parking for
16 individuals with disabilities by the personnel of the
17 Guam Police Department and volunteers authorized to
18 issue citations pursuant to subsection (h) of §3401.1,
19 Article 4, Chapter 3 of Title 16 of the Guam Code
20 Annotated; and
- 21 (3) The cost of administering the volunteer program
22 authorized under subsection (h) of §3401.1, Article 4,
23 Chapter 3 of Title 16 of the Guam Code Annotated.

24 **Section 62. Citations to be Paid to Accessible Parking**
25 **Fund.** Subsection (e) of §3401.1, of Article 4, Chapter 3 of
26 Title 16 is hereby *amended* as follows:

1 “(e) A violation of Subsections (b), (c) or (d), of this Section
2 shall be punishable by a fine of *not less than* Three Hundred
3 Dollars (\$300.00) and *no more than* Five Hundred Dollars
4 (\$500.00). All fines that are imposed hereunder by the court
5 shall be deposited into the Accessible Parking Fund maintained
6 by the Guam Police Department pursuant to Title 5 GCA
7 §50111(c). Additionally, a vehicle which is illegally parked
8 pursuant to this Subsection may be towed, and the owner of the
9 vehicle shall be liable for reasonable towing expenses which
10 shall constitute a lien against the offending vehicle.”

11 **Section 63.** §3202 of Chapter 3, Division 1, Article 2 is hereby
12 *amended* as follows:

13 “**§3202. Marriage Licenses.** (a) All persons about to be joined
14 in marriage must first obtain a license therefore, from the Department
15 of Public Health & Social Services, which license shall state:

- 16 (1) The identity of the parties;
17 (2) Their full names, residence and place of birth;
18 (3) Their date of birth;
19 (4) Their citizenship;
20 (5) If an alien, whether a resident alien or a non-immigrant
21 alien;
22 (6) The number of previous marriages, wherever contracted and
23 how terminated; the occupations of the parties; the maiden
24 name of the female, if previously married; the names and
25 birthplaces of each; and the maiden name of the mother of each;
26 (7) Whether the female elects to retain her maiden name as her
27 surname upon marriage as provided for by §3108.

1 (8) Social Security Number of Each Party. If a party does not
2 have a social security number, he must state that fact.

3 (b) No license shall be issued when either of the applicants therefore
4 is an imbecile, insane as determined by the proper authority or who, at
5 the time of making of the application of proof required for said
6 license, is under the influence of intoxicating liquor or narcotic drug.
7 If an applicant is under the age of eighteen (18) and has not been
8 previously married, no license shall be issued unless the consent in
9 writing of a parent or guardian of the person under age is presented
10 with the application. A consent must be verified and such consent
11 shall be retained with the application in the files of the Department of
12 Public Health and Social Services. The fact of the consent shall be
13 noted upon the license. In addition to the consent required, no license
14 shall be issued for any person between the age of sixteen (16) and
15 eighteen (18) unless the marriage of that person has been approved by
16 an order in writing issued from the Superior Court. A license to marry
17 shall not be issued to any person under the age of sixteen (16) unless
18 the court authorizes a license to be issued to an applicant who is under
19 sixteen (16) and with a child. No license shall be issued permitting
20 marriage between first cousins, between an adoptive parent and an
21 adoptive child, between a step-parent and a step-child or between a
22 guardian and a ward unless a written order authorizing such a
23 marriage has been issued by the Superior Court.

24 (c) Applications for a marriage license shall be made on a form
25 prescribed by the Director of Public Health and Social Services and
26 must be sworn to by both applicants before the Director of Public
27 Health and Social Services or his designee.

1 (d) For the purpose of ascertaining all facts mentioned or required in
2 this Section, the Director of Public Health and Social Services, or his
3 designee, may examine under oath, or require written affidavits from,
4 the applicants for a license and as many supporting witnesses as he
5 deems necessary. Such examination shall be reduced to writing and
6 subscribed by all parties swearing to the facts therein. In the case of
7 termination of a previous marriage by divorce or annulment, the
8 applicant shall furnish a certified copy of the final decree of divorce or
9 annulment. In the case of termination of a previous marriage by death
10 of the spouse, the applicant shall furnish a certified copy of the record
11 of death. If a certified copy of a final decree or divorce, annulment or
12 record of death as required herein is not available, the applicant may
13 submit in lieu thereof an affidavit setting forth, in such form as the
14 Director may require, the reason why it is not obtainable.

15 (e) Any application for a marriage license and any related document
16 on file with the Director of Public and Health and Social Services
17 shall be open to public inspection.

18 (f) Any person who shall swear falsely to an application for a
19 marriage license, or who shall make or present any false affidavit,
20 statement, or testimony in any proceeding under Subsection (d), shall
21 be guilty of a misdemeanor.

22 (g) No marriage license shall be effective nor shall it authorize the
23 performance of a marriage ceremony after the expiration of sixty (60)
24 days from the date of issuance of such license. This provision shall be
25 printed on each license in prominent type.

1 (h) The Director of Public Health and Social Services and his
2 designees are authorized to administer oaths in connection with the
3 administration of this Section.

4 (i) A fee of Fifteen Dollars (\$15.00) shall accompany each application
5 for a marriage license and shall not be refunded if the license is not
6 issued or used. No marriage license fees collected by the government
7 of Guam prior to the enactment of this Subsection shall be refunded.”

8 This Section shall take effect January 1, 2007.

9 **Section 64. Training for Education Policy Board.** Section
10 3112(15) of Title 17 of the Guam Code Annotated is hereby *repealed* and
11 *reenacted* to read as follows:

12 “(15) The University of Guam shall adopt and implement a
13 professional training development program for the members of
14 the Board. The Guam Public School System (GPSS) shall pay
15 the cost of the professional training and development program
16 from the appropriations made to the Guam Public School
17 System Operations Fund. This professional training and
18 development program shall be mandatory for Board members
19 to complete within thirty (30) days of taking office for the
20 purpose of improving, expanding and refining their individual
21 and collective policy making skills. Some specific areas that
22 will be covered by such professional training and development
23 program shall include but *not* be limited to:

- 24 (A) Board Operations;
25 (B) Board Skills and Service;
26 (C) Review of the Guam Code Annotated and other
27 laws pertaining to GPSS;

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- (D) Roberts Rules of Order;
- (E) Guam Public School System/government of Guam budgeting procedures and guidelines; and
- (F) Difference(s) between policy making and micro-management of the affairs of GPSS.”

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CHAPTER VI

ADMINISTRATIVE PROVISIONS

Section 1. Exemption from BBMR Allotment Release Control.

Title 5 GCA §1303 shall *not* apply to the Mayors Council of Guam, *I Liheslaturan Guåhan*, the Office of the Public Auditor, the Office of Finance and Budget, the Office of the Attorney General and the Judicial Branch. Said entities may draw against their respective appropriations in order to meet their respective obligations, as the need arises, in accordance with a drawdown schedule that such entities shall submit to the Department of Administration.

Section 2. Reporting Requirements. *No later than* thirty (30)

days after the close of every fiscal quarter of FY 2007, every director, administrator or head of a government of Guam agency, including line agencies, autonomous and semi-autonomous agencies, public corporations, the President of the Mayors Council of Guam and the Judiciary of Guam, regardless of the source of the entity's appropriations and revenue, shall submit to the Public Auditor of Guam and the Speaker of *I Liheslaturan Guåhan* and post on the entity's website, in written and electronic format (including, *but not limited to*, diskettes, CDs and email) a report making full disclosure of ALL funds under his or her purview and administration for the preceding quarter. Said report shall be in the form of financial statements or revenue and expenditure reports for every fund he administers, regardless of whether said fund is appropriated, non-appropriated, local or federal and regardless of the source of the funding. This and every reporting requirement imposed by this Act or any act pertaining to FY 2007 shall be subject to the following:

1 (a) If the head of an executive branch line agency, autonomous and
2 semi-autonomous agency, public corporation or any part of the executive
3 branch, does *not* submit said report to the Speaker of *I Liheslaturan Guåhan*
4 and post the same on the website by its due date, *I Maga'lahi*, through the
5 Director of the Bureau of Budget and Management Research, shall, *no later*
6 *than* fifteen (15) days after said due date, notify the agency head of his non-
7 compliance and the imminent deappropriation of funds.

8 (b) If the head of any agency or entity of the government of Guam
9 does not submit and post said report by its due date, the chairperson or
10 president of the appropriate board, commission or council, shall notify the
11 agency head of non-compliance and the imminent deappropriation or
12 remittance of funds.

13 The failure of any official, board, commission or council to give the
14 notice required by the previous two subsections shall *not* affect the
15 deappropriation or remittance of funds mandated by the next section.

16 **Section 3. Deappropriation of Funds.** (a) If the director,
17 administrator or head of a government agency, including line agencies,
18 autonomous and semi-autonomous agencies, public corporations, the
19 President of the Mayors Council of Guam and the Judiciary of Guam,
20 regardless of the source of the entity's appropriations and revenue, fails to
21 comply with any reporting requirement mandated by this Act, the funds
22 appropriated to the entity he administers shall, on the forty-fifth (45th) day
23 after the report's due date, be automatically deappropriated in the amount of
24 five percent (5%) of the agency's total appropriation for FY 2007 for EACH
25 of these requirements not met:

- 26 (a) providing a written report;
- 27 (b) providing an electronic format of the report; and

1 (c) posting the report on the website.

2 For autonomous and semi-autonomous agencies, boards,
3 commissions, councils or other entities *not* receiving legislative
4 appropriations, such non-compliant entity shall pay into the General Fund a
5 sum equal to five percent (5%) of its current fiscal year revenues.

6 This Section shall *not* apply when *I Maga'lahi* has declared a state of
7 emergency or declared the island to be in a Condition of Readiness One. The
8 Public Auditor shall examine the appropriate records, certify any
9 deappropriation and remittance of funds and report thereon to *I Maga'lahi*
10 and the Speaker of *I Liheslaturan Guåhan*. The Director of the Bureau of
11 Budget and Management Research shall promptly reduce the appropriation
12 or allotment to the non-compliant agency in accordance herewith, effectuate
13 the deappropriation and submit a written report thereon to *I Maga'lahi* and
14 the Speaker of *I Liheslaturan Guåhan*. For autonomous and semi-
15 autonomous agencies, boards, commissions or councils *not* receiving
16 legislative appropriations, the Public Auditor shall ensure that the financial
17 statement of the non-compliant entity reflects the five percent (5%) liability
18 to the General Fund, if remittance is *not* made to the General Fund. Failure
19 to give the notice required by Subsections (a) and (b) of the previous Section
20 shall *not* affect the deappropriation of funds or remittance of funds mandated
21 herein.

22 **Section 4. Authorization for Matching Requirements for**
23 **Federal Grants-In-Aid.** Departments are authorized to expend funds
24 appropriated in this Act for matching requirements of Federal grants.

25 **Section 5. Carryover of Local and Federal Matching Program**
26 **Funds for Grants.** The Local and Federal Matching Funds for programs
27 whose expiration dates extend *beyond* September 30, 2007 are hereby

1 authorized to be carried over and expended throughout the period of the
2 grant award.

3 **Section 6. Federal Reimbursements into the General Fund.**

4 Except as provided by the provisions of §5104(38) of Title 12 of the Guam
5 Code Annotated, if Guam expends any funds which are reimbursed by the
6 Federal Government, the reimbursed funds shall be deposited in the General
7 Fund promptly upon receipt.

8 **Section 7. Reporting Requirements for Non-Profit**
9 **Organizations Receiving Appropriations from the Government of**

10 **Guam.** All non-profit organizations funded by this Act shall maintain
11 financial records that accurately account for appropriated funds and shall
12 provide a budgetary breakdown by object category to the department or
13 agency overseeing the appropriation. The non-profit organization shall also
14 provide to the overseeing department or agency the following:

- 15 (a) A quarterly report describing the activities undertaken during
16 the reporting period and the results achieved *no later than*
17 twenty (20) days after the end of each quarter;
- 18 (b) Notification of all procurement of equipment and services of
19 Five Thousand Dollars (\$5,000) or more prior to awarding
20 contract;
- 21 (c) Access to the overseeing department or agency's duly
22 authorized representative, and Government of Guam auditors to
23 appropriate records for the purpose of audit and examination of
24 books, documents, papers and records of funds expended under
25 the appropriation;
- 26 (d) Submission of a detailed inventory listing, as appropriate, of
27 each year's purchases, as certified by its certifying officer; and

1 (e) A Final Report to the overseeing department or agency for
2 submission to *I Liheslaturan Guåhan* containing a full
3 disclosure of all expenditures of funds appropriated under this
4 Act *no later than* forty-five (45) days after the close of the last
5 quarter of the fiscal year. The overseeing department or agency
6 shall post the same on its website.

7 **Section 8. Authorization for Payment of Prior Years'**

8 **Obligations.** Appropriations made in this Act may be expended for the
9 payment of prior years' obligations. *I Maga'lahaen Guåhan* shall deliver
10 notice to the Speaker of *I Liheslaturan Guåhan* of each such proposed
11 expenditure no less than twenty (20) days before the expenditure. The
12 expenditure will be effective if no action is taken by *I Liheslaturan Guåhan*.
13 For this purpose *only*, Title 2 GCA §2103, requiring a public hearing for
14 bills, and Title 5 GCA §8107, requiring notice of regular meetings, including
15 legislative sessions, shall *not* apply. At the end of each quarter, each
16 department shall report to *I Liheslatura*, and post on its website, all
17 payments of the previous quarter's prior year obligations by payee, date of
18 payment, amount of payment, purpose of the expenditure and the reason for
19 non-payment in the prior year.

20 **Section 9. Severability.** *If* any provision of this Act or its

21 application to any person or circumstances is held invalid, the invalidity
22 shall *not* affect other provisions or applications of this Act which can be
23 given effect without the invalid provision or application, and to this end the
24 provisions of this Act are severable.



Felix P. Camacho
Governor
Kaleo S. Moylan
Lieutenant Governor

DEPARTMENT OF ADMINISTRATION
(DIPATTAMENTON ATMENESTRASION)
DIRECTOR'S OFFICE
(Ufisinan Direktot)

Post Office Box 884 * Hagatna, Guam 96932
TEL: (671) 475-1101/1250 * FAX: (671) 477-6788



Lourdes M. Perez
Director
Joseph C. Manibusan
Deputy Director

HRD No. 06-0970

SEP 07 2006

Memorandum

To: Fire Chief, Guam Fire Department
From: Director, Department of Administration
Subject: Enforcement of Grievance Review Board Decision

Buenas! Pursuant to the Department of Administration's Grievance Procedures, Step 4, the Grievance Review Board conducted a hearing on October 27, 2005, to review the grievance appeal of Mr. Douglas Sherwin, Fire Fighter I.

On December 19, 2005, the Grievance Review Board rendered a decision and recommended that Mr. Sherwin be compensated for duties he had performed as an Emergency Medical Technician. The Grievance Review Board also recommended that all other fire personnel who were affected with this same issue file a compensation request with the Fire Chief of the Guam Fire Department for processing. According to an August 1, 2006 letter from the Guam Federation of Teachers, who represents Mr. Sherwin, he has yet to be compensated.

Since you failed to appeal the Grievance Review Board's decision to the Civil Service Commission at Step 5 within 5 days of receipt of that decision, the Step 4 decision becomes final and enforceable. My office would like to remind you that pursuant to Executive Order 2001-01 and the Grievance Review Board decision, your department is obligated to pay Mr. Sherwin and any other employee who has justified a similar claim with your office. Failure to do so would be in violation of said Executive Order and the Department of Administration's Personnel Rules and Regulations 12.802 (A), which states, "...the Director of Administration shall appoint a Grievance Review Board, which has the responsibility and authority to resolve the grievance." [cited in part]

If you have any questions, please do not hesitate to call Tony Aguon, Personnel Management Analyst III, at the Human Resources Division at 475-1138 or 475-1249. Si Yu'os Ma'ase.

Lourdes M. Perez
LOURDES M. PEREZ

cc: President, Guam Federation of Teachers

1	I. GENERAL FUND REVENUES	<u>AMOUNT</u>
2	A. TAXES	
3	Income Tax	
4	Corporate	\$ 50,856,049
5	Individual	\$ 43,496,726
6	Withholding Taxes, Interest and Penalties	\$201,941,202
7	Provision for Tax Refund	(\$75,600,000)
8	TOTAL INCOME TAXES	\$220,693,977
9	Gross Receipts Tax	\$176,520,004
10	Other Taxes	<u>\$2,279,120</u>
11	TOTAL TAXES	\$399,493,101
12	B. FEDERAL SOURCES	\$53,607,961
13	Federal Income Tax Collection (Section 30 Funds);	
14	Immigration Fees and Indirect Cost	
15	C. USE OF MONEY AND PROPERTY	\$135,986
16	D. LICENSES, FEES AND PERMITS	\$1,906,941
17	E. DEPARTMENT CHARGES	\$2,158,778
18	TOTAL GENERAL FUND REVENUE	\$457,302,767
19	II. SPECIAL FUND REVENUES APPROPRIATED IN THIS ACT	
20	A. Air Pollution Control Special Fund	\$221,182
21	B. Chamorro Land Trust Operations Fund	492,266
22	C. Corrections Revolving Fund	1,539,134

1	D. Customs, Agriculture and Quarantine Inspection	
2	Services Fund	8,167,484
3	E. Enhanced 911 Emergency Reporting System Fund	2,082,787
4	F. Environmental Health Fund	340,190
5	G. Guam Contractors License Board Fund	334,901
6	H. Guam Environmental Trust Fund	191,812
7	I. Guam Highway Fund	15,324,872
8	J. Guam Plant Inspection and Permit Fund	44,507
9	K. Healthy Futures Fund	10,665,466
10	L. Land Survey Revolving Fund	950,000
11	M. Police Services Fund	370,084
12	N. Professional Engineers, Architects and	
13	Land Surveyors Board Fund	201,825
14	O. Public Recreation Services Fund	154,717
15	P. Safe Streets Fund	196,000
16	Q. School Lunch/SAE/Child Nutritional Meal	
17	Reimbursement Fund	5,500,000
18	R. Solid Waste Fund	5,822,582
19	S. Street Light Fund	3,912,927
20	T. Territorial Education Facilities Fund	20,280,840
21	U. Tourist Attraction Fund	23,100,000
22	V. Water Protection Fund	54,242

1	W. Water Research and Development Fund	<u>79,518</u>
2	TOTAL SPECIAL FUND REVENUE	\$100,027,336
3	III. FEDERAL MATCHING GRANTS-IN-AID REVENUES	
4	Federal Grants-In-Aid Requiring Local Match:	
5	A. Agriculture	\$560,565
6	B. Guam Council on the Arts and Humanities Agency	237,600
7	C. Guam Election Commission	700,000
8	D. Guam Police	546,918
9	E. Integrated Services for Individuals with Disabilities	2,052,208
10	F. Labor	33,100
11	G. Law	4,205,679
12	H. Military Affairs	568,092
13	I. Public Health and Social Services	17,651,802
14	J. University of Guam	<u>1,508,000</u>
15	TOTAL FEDERAL MATCHING GRANTS-IN-	
16	AID REVENUE	\$28,063,964
17	REVENUE SUMMARY:	
18	TOTAL GENERAL FUND REVENUE	\$457,302,767
19	TOTAL SPECIAL FUND REVENUE	\$100,027,336
20	TOTAL FEDERAL MATCHING GRANTS-IN-	
21	AID REVENUE	<u>\$28,063,964</u>
22	GRAND TOTAL	\$585,394,067

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

3 **A. GENERAL OBLIGATION BONDS 1993 SERIES A**

4 (For education capital projects; Real Property Taxes pledged;
5 due FY 2018 as final year; P.L. 22-19 and P.L. 22-24, net
6 of UOB Bond Payment Obligation \$2,260,261) \$10,599,313 1/

7 1/ Territorial Education Facilities Fund

8 **B. LIMITED OBLIGATION HIGHWAY REFUNDING**

9 **BOND 2001 SERIES A**

10 (P.L. No. 24-70; due FY 2012 as the final year;
11 source of payment from Liquid Fuel Taxes) \$ 6,029,294 2/

12 2/ Guam Highway Fund

13 **C. LIMITED OBLIGATION (SECTION 30) BONDS**

14 **SERIES A**

15 (Water System Revenue Bond; P.L. 26-58, amended
16 by P.L. 25-59; Section 30 fund pledged; due FY 2012
17 as final year) \$ 9,826,287 3/

18 3/ Section 30 Funds

19 **D. 2002 SHORT TERM FINANCING**

20 (Line of Credit; P.L. 26-84 amended by P.L. 26-122
21 and P.L. 26-130; due FY 2012 as the final year; source
22 of payment Section 30 Funds) \$ 1,281,819 4/

23 4/ Section 30 Funds

1	E. LIMITED OBLIGATION INFRASTRUCTURE	
2	IMPROVEMENT BONDS, 1997 SERIES A	
3	(Tumon Redevelopment; payment from the Tourist	
4	Attraction Fund, pursuant to P.L. 24-111)	<u>\$ 7,255,789</u> 5/
5	5/ Tourist Attraction Fund	
6	GRAND TOTAL	\$34,992,502

1 **CHAPTER II**

2 **APPROPRIATIONS FOR EXECUTIVE BRANCH OPERATIONS**

3 **Section 1. Executive Branch Appropriations.** Four Hundred Forty-one Million

4 Six Hundred Thirty-five Thousand Six Hundred Sixty-five Dollars (\$441,635,665) are

5 appropriated for the operations of the Executive Branch for fiscal year ending September

6 30, 2007. This sum is composed of Three Hundred Fifty-two Million Five Hundred

7 Nineteen Thousand Six Hundred Ninety-seven Dollars (\$352,519,697) from the General

8 Fund; Sixty-one Million Fifty-two Thousand Four Dollars (\$61,052,004) from Special

9 Funds; and Twenty-eight Million Sixty-three Thousand Nine Hundred Sixty-four Dollars

10 (\$28,063,964) from Federal Matching Grants-in-Aid. The appropriation shall be

11 expended as follows:

	General	Special	Federal Fund	Total
	Fund	Fund	Match	
I. EXECUTIVE DIRECTION				
A. Office of I Maga'lahen				
Guåhan and I Segundu				
Na Maga'lahen Guåhan	\$5,075,270			\$5,075,270
B. Bureau of Budget and				
Management Research	1,378,469			1,378,469
C. Bureau of Statistics				
and Plans	1,121,906			1,121,906
D. Military Affairs	465,000		568,092	1,033,092
E. Veterans Affairs	269,689			269,689

	General	Special	Federal Fund	Total
	Fund	Fund	Match	
1				
2				
3	F. Civil Service			
4	Commission	477,651		477,651
5	G. Guam Election			
6	Commission	346,782	700,000	1,046,782
7	H. Commission on			
8	Decolonization	150,000		150,000
9	TOTAL EXECUTIVE			
10	DIRECTION	\$ 9,284,767	\$	\$1,268,092
11	II. PUBLIC SAFETY			
12	A. Guam Police	21,597,810	1,119,260 1/	546,918
13	B. Guam Fire	21,141,387	2,082,787 2/	
14	C. Corrections	13,924,511	1,635,134 3/	
15	D. Youth Affairs	3,356,551	300,000 4/	
16	E. Chief Medical			
17	Examiner's Office	408,559		408,559
18	TOTAL PUBLIC			
19	SAFETY	\$60,428,818	\$5,137,181	\$546,918
20	III. HOMELAND SECURITY			
21	A. Customs and Quarantine		8,167,484 5/	8,167,484

	General	Special	Federal Fund	Total	
	Fund	Fund	Match		
3	TOTAL HOMELAND				
4	SECURITY	\$	\$8,167,484	\$	\$8,167,484
5	IV. HEALTH				
6	A. Integrated Services for Individuals				
7	With Disabilities	1,773,032	863,156 4/	2,052,208	4,688,396
8	B. Medical Referral				
9	Offices	650,000			650,000
10	C. Mental Health and				
11	Substance Abuse	5,091,883	1,873,106 4/		6,964,989
12	D. Public Health and				
13	Social Services	18,513,538	7,135,732 6/	17,651,802	43,301,072
14	E. Guam Memorial				
15	Hospital	13,702,772 7/			13,702,772
16	TOTAL HEALTH	\$39,731,225	\$9,871,994	\$19,704,010	\$69,307,229
17	V. EDUCATION				
18	A. Education (GPSS, UOG,				
19	and GCC)	198,432,355 8/	15,233,430 8/	1,508,000	215,173,785
20	B. Guam Educational Telecommunications				
21	Corporation	514,477	61,587 9/		576,064
22	C. Guam Public Library	1,184,365	720,172 9/		1,904,537
23	TOTAL EDUCATION	\$200,131,197	\$16,015,189	\$1,508,000	\$217,654,386

	General	Special	Federal Fund	Total
	Fund	Fund	Match	
3	VI. FINANCE AND ADMINISTRATION			
4	A. Administration	8,323,381		8,323,381
5	TOTAL FINANCE AND			
6	ADMINISTRATION	\$8,323,381	\$	\$8,323,381
7	VII. NATURAL RESOURCES			
8	A. Agriculture	2,835,620	44,507 10/	560,565 3,440,692
9	B. Chamorro Land Trust			
10	Commission		492,266 11/	492,266
11	C. Guam Environmental			
12	Protection Agency		546,754 12/	546,754
13	D. Land Management	2,242,105	950,000 13/	3,192,105
14	E. Ancestral Lands			
15	Commission	198,000		198,000
16	F. Parks and Recreation	3,830,228	154,717 14/	3,984,945
17	TOTAL NATURAL			
18	RESOURCES	\$9,105,953	\$2,188,244	\$560,565 \$11,854,762
19	VIII. LABOR			
20	A. Contractor's License			
21	Board		334,901 15/	334,901

	General	Special	Federal Fund	Total
	Fund	Fund	Match	
1				
2				
3	B. Licensing and Professional			
4	Labor Regulations			
5	(PEALS, etc.)	201,825	16/	201,825
6	C. Labor	1,739,021		33,100
7	TOTAL LABOR	\$1,739,021	\$536,726	\$33,100
8	IX. TRANSPORTATION			
9	A. Public Works	8,113,024	16,531,087	17/
10	B. Guam Mass Transit			
11	Authority		2,500,000	18/
12	TOTAL			
13	TRANSPORTATION	\$8,113,024	\$19,031,087	\$
14	X. TOURISM AND CULTURE			
15	A. Cultural Heritage and the Arts			
16	(Chamorro Affairs, etc)	687,606	54,099	19/
17	B. Guam Council on the Arts and			
18	Humanities Agency	266,577	50,000	19/
19	TOTAL TOURISM AND			
20	CULTURE	\$954,183	\$104,099	\$237,600
21	XI. REVENUE AND TAXATION			
22	A. Revenue & Taxation	8,473,228		8,473,228

	General	Special	Federal Fund	Total
	Fund	Fund	Match	
3	TOTAL REVENUE AND			
4	TAXATION	\$8,473,228	\$	\$8,473,228
5	XII. JUSTICE			
6	A. Law	6,234,900	4,205,679	10,440,579
7	TOTAL JUSTICE	\$6,234,900	\$4,205,679	\$10,440,579
8	GRAND TOTAL	\$352,519,697	\$61,052,004	\$28,063,964

9 **NOTES:**

- 10 1/ **Police Services Fund (\$370,084) and Tourist Attraction Fund (\$749,176)**
- 11 2/ **Enhanced 911 Emergency Reporting System Fund**
- 12 3/ **Corrections Revolving Fund (\$1,539,134) and Safe Streets Fund (\$96,000)**
- 13 4/ **Healthy Futures Fund**
- 14 5/ **Customs, Agriculture and Quarantine Inspection Services Fund**
- 15 6/ **Environmental Health Fund (\$340,190) and Healthy Futures Fund (\$6,795,542)**
- 16 7/ **Pharmaceuticals Fund (\$9,902,772) and General Fund (\$3,800,000)**
- 17 8/ **Guam Public School System Operations Fund (\$168,015,080); Territorial Education**
- 18 **Facilities Fund (\$8,899,768); Healthy Futures Fund (\$833,662); and School**
- 19 **Lunch/SAE/Child Nutritional Meal Reimbursement Fund (\$5,500,000)**
- 20 9/ **Territorial Education Facilities Fund**
- 21 10/ **Guam Plant Inspection and Permit Fund**
- 22 11/ **Chamorro Land Trust Operations Fund**
- 23 12/ **Air Pollution Control Special Fund (\$221,182); Guam Environmental Trust Fund**
- 24 **(\$191,812); Water Research & Dev. Fund (\$79,518); and Water Protection Fund (\$54,242)**
- 25 13/ **Land Survey Revolving Fund**

- 1 **14/ Public Recreation Services Fund**
- 2 **15/ Guam Contractors License Board Fund**
- 3 **16/ Professional Engineers, Architects and Land Surveyors Board Fund**
- 4 **17/ Guam Highway Fund (\$6,795,578); Solid Waste Fund (\$5,822,582); and Streetlight Fund**
- 5 **(\$3,912,927)**
- 6 **18/ Guam Highway Fund**
- 7 **19/ Tourist Attraction Fund**

1 **Section 2. Appropriation for Aquaculture Development and Training**
2 **Center.** The sum of One Hundred Forty Thousand Dollars (\$140,000) is appropriated
3 from the General Fund to the University of Guam for Fiscal Year 2007 for the *sole*
4 purpose of funding the continued operations of the Aquaculture Development and
5 Training Center. Such funds shall *not* be transferred or used for any other purpose.

6 **Section 3. Appropriation for WERI's Guam Hydrologic Survey.** The sum
7 of Two Hundred Four Thousand Two Hundred Dollars (\$204,200) is appropriated from
8 the General Fund to the University of Guam for Fiscal Year 2007 to fund the Water and
9 Environmental Research Institute of the Western Pacific ("WERI") for the *sole* purpose
10 of funding the Guam Hydrologic Survey ("GHS"). WERI shall continue to administer
11 the GHS for the same purposes that have previously been established by the laws of
12 Guam. Such funds shall *not* be transferred or used for any other purpose.

13 **Section 4. Appropriation for WERI's Comprehensive Water Resource**
14 **Monitoring Program.** The sum of One Hundred Seventy-three Thousand Nine Hundred
15 Forty-eight Dollars (\$173,948) is appropriated from the General Fund to the University
16 of Guam for Fiscal Year 2007 to fund the Water and Environmental Research Institute of
17 the Western Pacific ("WERI"). Such funds shall be used for the *sole* purpose of
18 matching the Federal funding for the Comprehensive Water Resource Monitoring
19 Program. WERI shall continue to administer the Comprehensive Water Resource
20 Monitoring Program for the same purposes that have previously been established by the
21 laws of Guam. Such funds shall *not* be transferred or used for any other purposes.

22 **Section 5. University of Guam for the College of Natural and Applied**
23 **Sciences.** The sum of Ninety Thousand Dollars (\$90,000) is appropriated from the

1 General Fund to the University of Guam for Fiscal Year 2007 for the College of Natural
2 and Applied Sciences which shall be divided equally between the Northern and Southern
3 Soil and Water Conservation Districts Programs. Such funds shall *not* be transferred or
4 used for any other purpose.

5 **Section 6. University of Guam for KPRG (Public Radio).** The sum of One
6 Hundred Thousand Dollars (\$100,000) is appropriated from the General Fund to the
7 University of Guam for Fiscal Year 2007 for the KPRG (Public Radio) operations.

8 **Section 7. Guam Community College LPN and Vocational Guidance**
9 **Programs.** The sum of Five Hundred Forty-one Thousand Five Hundred Sixty-five
10 Dollars (\$541,565) is appropriated from the General Fund to the Guam Community
11 College for Fiscal Year 2007 to support the operational requirements of the Licensed
12 Practical Nursing Program and Vocational Guidance Program.

13 **Section 8. Appropriations for Supplemental Annuity Benefits and for**
14 **Other Costs.**

15 (a) The sum of Thirteen Million Three Hundred Twenty-four Thousand Two
16 Hundred Seventy-two Dollars (\$13,324,272) is appropriated from the General Fund to
17 the Supplemental Annuity Benefits Special Fund for Fiscal Year 2007 for direct
18 payments to those employees who retired *prior* to October 1, 1995, or their survivors, for
19 the continuing provisions of Four Thousand Two Hundred Thirty-eight Dollars (\$4,238)
20 per year in supplemental annuity benefits, consisting of the sums of One Thousand Two
21 Hundred Dollars (\$1,200), One Thousand Five Hundred Dollars (\$1,500), Seven
22 Hundred Dollars (\$700), and Eight Hundred Thirty-eight Dollars (\$838) in annual
23 benefits formerly contained in various General Appropriation Acts.

1 (b) No persons eligible for Retiree Supplemental Annuity Benefits provided for
2 in Subsection (a) of this Section shall receive such benefit if their 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 disburse to the retirees or their survivors
9 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 (“Fund”)
13 shall *not* be commingled with the General Fund and shall continue to be kept in a
14 separate bank account which shall continue to be administered by the Director of the
15 Department of Administration. This Fund shall *not* be subject to *I Maga’lahen Guåhan’s*
16 transfer authority.

17 (e) For October 1, 2006, to September 30, 2007, of Fiscal Year 2007, the Guam
18 Power Authority, the A.B. Won Pat International Airport Authority Guam, the Guam
19 Economic Development and Commerce Authority, the Guam Housing Corporation, the
20 Government of Guam Retirement Fund, the Jose D. Leon Guerrero Commercial Port, the
21 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

1 this Section. The remittance shall be due on or before October 10, 2006, and April 15,
2 2007 respectively. Once remitted, this amount shall *not* be subject to *I Maga'lahi's*
3 transfer authority.

4 (f) The sum of Seven Million Sixteen Thousand Eight Hundred Thirty Dollars
5 (\$7,016,830) is appropriated from the General Fund to the Government of Guam
6 Retirement Fund for the payment of benefits of current retirees from October 1, 2006 to
7 September 30, 2007, consisting of the continuing provisions of Items (1) through (2),
8 below:

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

14 (g) For October 1, 2006, to September 30, 2007, the Guam Power Authority, the
15 A.B. Won Pat International Airport Authority Guam, the Guam Economic Development
16 and Commerce Authority, the Guam Housing Corporation, the Government of Guam
17 Retirement Fund, the Jose D. Leon Guerrero Commercial Port, the Guam Waterworks
18 Authority and the Guam Visitors Bureau shall remit to the Government of Guam
19 Retirement Fund the respective share of payments for medical, dental, and life insurance
20 payments for their respective retirees. The remittance shall be due in equal installments
21 on or before October 10, 2006, and April 1, 2007 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 2007 *only*.

1 Any future medical, dental, and life insurance payments may be addressed by future
2 legislation.

3 (h) For October 1, 2006, through September 30, 2007, One Hundred Twenty-
4 four Thousand Two Hundred Dollars (\$124,200) is appropriated from the General Fund
5 to the Government of Guam Retirement Fund to defray the cost of Medicare premiums
6 for Government of Guam Retirees and their survivors who are eligible to receive social
7 security income benefits and are required under the Government of Guam group health
8 insurance program to pay such premiums in order to continue to participate in such health
9 insurance program failing which they are excluded therefrom (to continue existing
10 programs contained in the monthly payments).

11 (i) For Fiscal Year 2007, the sum of One Hundred Two Thousand Five Hundred
12 Dollars (\$102,500) is appropriated from the General Fund to the Government of Guam
13 Retirement Fund for *I Maga'lahi* and *I Segundu na Maga'lahi/I Segundu na Maga'haga*
14 Pensions.

15 (j) For Fiscal Year 2007, the sum of Five Hundred Three Thousand Three
16 Hundred Twenty-four Dollars (\$503,324) is appropriated from the General Fund to the
17 Government of Guam Retirement Fund for retirement annuities for the Guam Superior
18 Court Judges and Guam Supreme Court Justices.

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

22 **Section 9. Survivor Supplemental Annuity Additions.** Subsection (d), (6)
23 of 4 GCA §8135, is *repealed* and *reenacted*, to read:

1 “(6) the prospective payment of supplemental benefits for the period of October
2 1, 2006, through September 30, 2007, for survivors of those employees who retired *prior*
3 to October 1, 1995, to be paid in the following manner:”

4 **Section 10. Disability Supplemental Annuity Additions.** Subsection (g) of
5 4 GCA §8129, is hereby amended to read as follows:

6 (g) Any disability retirement annuitant who commenced receiving a disability
7 retirement annuity prior to October 1, 1995, and who is entitled to disability retirement
8 benefits under this Chapter shall receive, during the period commencing on October 1,
9 2006, and ending on September 30, 2007, prospective non-cumulative supplemental
10 annuity benefits as follows:”

11 **Section 11. Medicine for the Community Health Centers.** The sum of
12 Three Hundred Thousand Dollars (\$300,000) is appropriated from the General Fund to
13 the Department of Public Health and Social Services’ Community Health Centers to be
14 used for medicines and for the treatment and prevention of tobacco diseases for Fiscal
15 Year 2007.

16 **Section 12. Appropriation for Textbooks.** (a) For Fiscal Year 2007, the
17 sum of Three Million Five Hundred Thousand Dollars (\$3,500,000) is appropriated from
18 the General Fund from the Fiscal Year 2008 revenues to the Guam Public School System
19 (GPSS) for the purchase of textbooks, e-book readers and collateral classroom
20 instructional materials. GPSS may, *if necessary*, in agreements with textbook vendors,
21 defer payment until *after* October 1, 2007, *but not later than* December 31, 2007, with
22 the full faith and credit of the government of Guam.

1 **(b)** GPSS shall order all textbooks, e-book readers and collateral classroom
2 instructional materials funded by this Section *no later than* March 1, 2007 for Fiscal Year
3 2008, and the Bureau of Budget and Management Research shall release such allotments
4 as are required to ensure such textbooks, e-book readers and collateral classroom
5 instructional materials are ordered by this deadline. All textbooks and collateral
6 classroom instructional materials shall be received and distributed to schools *no later*
7 *than* thirty (30) days prior to the start of the Guam Educational Policy Board's adopted
8 school calendar. All funds appropriated for textbooks, e-book readers and collateral
9 classroom instructional materials shall *not* be used for any other purpose.

10 **(c)** For Fiscal Year 2007, on the first (1st) day of each quarter, the Superintendent
11 of Education shall provide a detailed report to *I Liheslaturan Guåhan* on all receipts and
12 expenditures for textbooks, e-book readers and collateral classroom instructional
13 materials purchased with these funds. The report shall be accompanied by the certified
14 list of textbooks approved by the Guam Education Policy Board and all purchase orders
15 issued. The report shall be posted on the GPSS website. The report shall include
16 summaries reflecting the following information:

17 **(i)** purchases by allotment account number, unit cost and total cost of
18 books charged against appropriation account, vendor, quantity, title,
19 copyright date and ISBN number of books ordered, and allocation of
20 such books by school and grade;

21 **(ii)** the number of textbooks and e-book readers lost and/or damaged, the
22 amount of collections for such lost or damaged items and the amount
23 of receivables due for such lost or damaged items;

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
5 shall result in sanctions/penalties imposed pursuant to this Act.

6 **Section 14. Appropriation to the Guam Public School System for Summer**
7 **School.**

8 (a) For Fiscal Year 2007, there is hereby appropriated such sums as are
9 necessary from the Summer School Fund established pursuant to §6119 of Article 1, of
10 Chapter 6 of Division 1 of Title 17, Guam Code Annotated , to the Guam Public School
11 System to fund the operations of the 2007 Summer School Program.

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

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

20 **Section 15. *Y Kuantan Salappe' Prinsepat (Principal's Fund).*** The sum of
21 Five Hundred Fifty-five Thousand Dollars (\$555,000) is appropriated from the General
22 Fund to the Guam Public School System for the Principal's Fund for Fiscal Year 2007.
23 The amount appropriated herein shall be allocated per student to each school, based on

1 the student population of each school at the end of the prior school year; provided that no
2 school shall receive less than Five Thousand Dollars (\$5,000).

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 (30)
5 days after the close of each quarter and post the same on the GPSS website.

6 **Section 16. Guam State Clearinghouse.** The sum of Three Hundred
7 Twenty-five Thousand Dollars (\$325,000) is appropriated from the General Fund to the
8 Guam State Clearinghouse for its operations in Fiscal Year 2007.

9 **Section 17. Court Appointed Attorney Fees.** The sum of Seven Hundred
10 Thousand Dollars (\$700,000) is appropriated from the General Fund to the Judiciary for
11 Fiscal Year 2007 for the *sole* purpose of paying court-appointed attorney fees related to
12 the legal defense of indigent people. Such funds shall be deposited into the Appointed
13 Counsel Trust Fund account, as stipulated in 7 GCA §22111, and shall *not* be subject to
14 any transfer authority.

15 **Section 18. Adult Drug Court.** The sum of Two Hundred Sixty-four
16 Thousand Fourteen Dollars (\$264,014) is appropriated from the General Fund to the
17 Judiciary for Fiscal Year 2007 for the purpose of funding the operational costs associated
18 with the Adult Drug Court.

19 **Section 19. Juvenile Drug Court.** The sum of Two Hundred Forty-four
20 Thousand Nine Hundred Sixty-four Dollars (\$244,964) is appropriated from the General
21 Fund to the Judiciary for Fiscal Year 2007 for the purpose of funding the operational
22 costs associated with the Juvenile Drug Court.

1 **Section 20. Permanent Injunction.** The sum of Eight Hundred Seventy
2 Thousand Six Hundred Forty-two Dollars (\$870,642) is appropriated from the General
3 Fund to the Department of Integrated Services for Individuals with Disabilities for
4 compliance with the requirements of the Permanent Injunction Civil Case No. CV 01-
5 00041, J.C. et al v. Governor of Guam et al.

6 **Section 21. Appropriation to the Department of Youth Affairs for**
7 **Sanctuary, Inc.** (a) The sum of Two Hundred Forty-one Thousand Nine Hundred
8 Forty-four Dollars (\$241,944) is appropriated from the General Fund for Fiscal Year
9 2007 to the Department of Youth Affairs (DYA) for Sanctuary, Inc. for its operations.

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

14 **Section 22. Off-island Residential Treatment Fund.** (a) The sum of One
15 Million Four Hundred Seventy-eight Thousand Six Hundred Twenty-six Dollars
16 (\$1,478,626) is appropriated from the General Fund to the Department of Administration
17 to pay authorized expenses in Fiscal Year 2007 for persons under the jurisdiction of the
18 Superior Court of Guam requiring residential care because of physical, mental or
19 emotional disabilities or severe emotional disturbances. All patients and their escorts
20 referred off Guam shall submit to the Director of Administration supporting documents to
21 justify their authorized travel expenses.

22 (b) The Director of Administration shall submit a report to *I Maga'lahren*
23 *Guåhan* and the *Speaker of I Liheslaturan Guåhan* a report containing a full disclosure of

1 all expenditures of this appropriation, *no later than* thirty (30) days after the close of each
2 quarter of the fiscal year and post the same on its website.

3 **Section 23. 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 2007 to the Department of Public Health and Social Services for
6 Public Assistance Program payments.

7 **Section 24. 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 2007 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 Payment
14 Revolving Fund (MIPPR) for the Medically Indigent Program (MIP).

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

17 (c) The unexpended balance of the appropriation from the General Fund to
18 the Department of Public Health and Social Services for MIP and Medicaid Programs for
19 Fiscal Year 2006 shall *not* revert back to the General Fund, but shall be carried over into
20 Fiscal Year 2007 to be expended in accordance with the original purpose of said funds.

21 (d) The Director of DPHSS shall submit a report to the Speaker of *I*
22 *Lihselaturan Guâhan* of the allocation, demographics and expenditures associated with

1 the appropriations contained herein no later than thirty (30) days after the close of each
2 quarter and post the same on DPHSS' website

3 (e) Payments for MIP and Medicaid vendors shall be made by DOA on a first
4 in; first out basis.

5 **Section 25. Appropriation to Catastrophic Illness Program.** The sum of
6 One Hundred Thousand Dollars (\$100,000) is appropriated from the General Fund for
7 Fiscal Year 2007 to the Department of Public Health and Social Services for the *sole*
8 purpose of funding the Catastrophic Illness Program. The funds appropriated herein shall
9 *not* be subject to *I Maga'lahaen Guåhan's* transfer authority.

10 **Section 26. Government Claims Fund.** (a) The sum of One Hundred
11 Thousand Five Hundred Ninety-eight Dollars (\$100,598) is appropriated from the
12 General Fund to the Department of Administration for the Government Claims Fund for
13 the payment of eligible and approved Government Claims for Fiscal Year 2007.

14 (b) The Director of Administration shall, *no later than* thirty (30) days after
15 the close of each quarter for Fiscal Year 2007, submit to the Speaker of *I Liheslaturan*
16 *Guåhan* a report containing a full disclosure of all expenditures of this appropriation and
17 post the same on the Department's website.

18 **Section 27. Government of Guam's General Purpose Financial Statement**
19 **and Single Audit Report.** The sum of Three Hundred Four Thousand One Hundred
20 Ten Dollars (\$304,110) is appropriated from the General Fund to the Department of
21 Administration for the Fiscal Year 2006 Audit of the Government of Guam's General
22 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 28. Appropriation to the Worker's Compensation Fund.**

4 (a) The sum of Nine Hundred Thirty Thousand Dollars (\$930,000) is
5 appropriated from the General Fund to the Department of Labor for the Worker's
6 Compensation Fund for Fiscal Year 2007. The funds appropriated in this Section shall be
7 utilized for worker's compensation payments for the purposes set out in §9144 of Title 22
8 of the Guam Code Annotated to pay worker's compensation for claims by employees of
9 the government of Guam, including outstanding prior years' obligations and future
10 obligations associated with the provisions of this Section.

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

16 (c) Notwithstanding any other provision of law, the appropriation made in this
17 Section shall *not* be expended for disability compensation payments for FTE's funded by
18 this Act.

19 (d) Notwithstanding any other provision of law, the Director of the
20 Department of Labor is authorized to spend *up to* Forty Thousand Dollars (\$40,000) from
21 this fund to pay for legal services for worker's compensation hearings for Fiscal Year
22 2007.

1 **Section 29. Erica's House of Hope.** Notwithstanding any other provision
2 of law, the sum of One Hundred Thousand Dollars (\$100,000) is appropriated from the
3 Safe Streets Fund, for Fiscal Year 2007, to the Judiciary to pay for contractual services
4 for the operation of the Erica's House of Hope, an ongoing family visitation center,
5 provided that the needs mandated within 16 GCA §18125 (c) and (d) and 7 GCA §9211
6 (b) are first met.

7 **Section 30. Guam Territorial Band.** The sum of Twenty-five Thousand
8 Dollars (\$25,000) is appropriated from the Tourist Attraction Fund, for Fiscal Year 2007,
9 to the Guam Council on the Arts and Humanities Council for the Guam Territorial Band.

10 **Section 31. Appropriation for Cost of Living Allowance (COLA).**

11 (a) *I Maga'lahren Guåhan* is authorized to give a "Cost of Living Allowance"
12 (COLA) of One Thousand One Hundred Dollars (\$1,100) per annuitant of the
13 Government of Guam Retirement Fund who is receiving an annuity as of September 30,
14 2006, payable from the Guam Telephone Authority Privatization Proceeds Fund.

15 (b) No person eligible for the COLA benefits provided for in Subsection (a) of
16 this Section shall receive such benefit if his regular annual retirement annuity, *excluding*
17 survivor benefits, exclusive of the supplemental amounts per Section 8, Chapter III of
18 this Act, is more than Forty Thousand Dollars (\$40,000). Persons eligible for COLA
19 shall *only* receive an amount of such benefits up to the total aggregate sum of Forty
20 Thousand Dollars (\$40,000) in combined retirement annuities and COLA benefits.

21 (c) The sum of Seven Million Dollars (\$7,000,000) is appropriated from the
22 Guam Telephone Authority Privatization Proceeds Fund to the Department of
23 Administration for the Cost of Living Allowance authorized herein. If this entire

1 appropriation is not used for the COLA, the balance shall revert to the GTA Privatization
2 Proceeds Fund.

3 **Section 32. 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 General Fund to the Guam Board of Accountancy for its operations in Fiscal Year 2007.

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CHAPTER IV

MISCELLANEOUS PROVISIONS

Section 1. Transfer of Employees. Notwithstanding any other provision of law, and in recognition of the shortages of personnel in certain areas of the government, *I Maga'lahaen Guåhan* is authorized to transfer employees within or between any department or agency of the Government of Guam, *except* that:

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

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

(3) *No* employee shall be transferred if the employee has filed a legitimate grievance with the Civil Service Commission for discrimination based on political affiliation, gender, or sexual harassment, unless the said transfer is agreed to by the employee;

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

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

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

4 **Section 2. Retirement Option for Government of Guam Employees Upon**
5 **the Completion Remittance of Individual Retirement Fund Contributions.** Any and
6 all active members of the Government of Guam Retirement Fund who meet the minimum
7 eligibility requirements for retirement shall be granted the opportunity to retire upon the
8 complete remittance of his or her outstanding individual retirement fund contributions.
9 Such contributions shall include the employee and employer retirement fund
10 contributions. Any and all fees, interest at actuarial rate, and penalties associated with
11 the requirements set forth by the Government of Guam Retirement Fund shall be paid by
12 the Government.

13 This Section does not restrict the continuing remittance of existing retirement
14 fund contributions as required by law, or as set forth by the Government of Guam
15 Retirement Fund. By the fifteenth (15th) day of each month, *I Maga'Lahen Guåhan* shall
16 provide a detailed report to the Speaker of *I Liheslaturan Guåhan* on the remittances and
17 number of retirements for the prior month pursuant to this Section. Nothing herein shall
18 be construed to abrogate any of the provisions of Public Law 28-38.

19 **Section 3. Government of Guam Retirement Fund Rate of Contribution.**
20 In accordance with §8137(e) of Article 1, Chapter 8 of Title 4 of the Guam Code
21 Annotated, the government rate of contribution to the Retirement Fund, beginning
22 October 1, 2006 for Fiscal Year 2007, shall equal 21.81%.

1 **Section 4. Staffing Pattern Reporting.**

2 **(a) Staffing Pattern.** Beginning October 1, 2006, and continuing on each
3 quarter thereafter, each agency or department head in the Executive Branch of the
4 government of Guam, the Chairperson of the Judicial Council and the Chairperson of the
5 Board of Trustees of the Public Defender Service Corporation shall submit to the Speaker
6 of *I Liheslaturan Guåhan* a current staffing pattern, in the format of the Executive Branch
7 FY 2007 Budget Call, as of the previous month's ending, of employees funded by the
8 respective instrumentality. Such staffing pattern shall include, *at a minimum*, the name of
9 the employee, position title, salary, increment cost and benefits cost for each employee,
10 as well as the funding source for the salary and benefits of each employee and shall be
11 posted on the agency website.

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

15 **Section 5. Revenue Tracking Report.** The Director of the Bureau of
16 Budget and Management Research, in collaboration with the Director of the Department
17 of Revenue and Taxation and the Director of the Department of Administration shall
18 determine, *no later than thirty (30) days after* the close of each month of Fiscal Year
19 2007, the revenue tracking for the balance of the fiscal year, based upon the actual
20 collections of the preceding month and prepare a comparative statement of the "actual"
21 and "projected" revenues. Such information shall be compiled in a Report, certified by
22 each of the aforementioned Directors and submitted to the Speaker of *I Liheslaturan*
23 *Guahån no later than thirty (30) days after* the close of each month of the fiscal year.

1 **Section 6. Contracts Exceeding Funds Restriction.** Except for the Guam
2 Public School System and Guam Memorial Hospital Authority, for Fiscal Year 2007, *no*
3 agency shall contract to spend, or enter into an agreement to spend, any money in *excess*
4 of the amount allotted to the agency by BBMR. Any contract or agreement in violation
5 of this provision shall be void.

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

9 **Section 7. Moratorium on Compensation for Boards and Commissions.**
10 For Fiscal Year 2007, notwithstanding any other provision of law, rule, or regulation, and
11 *except* for the Civil Service Commission, the Guam Education Policy Board, and the
12 Consolidated Commission on Utilities, a moratorium is hereby placed on the
13 compensation of all members of government boards and commissions for their
14 attendance at hearings and meetings.

15 **Section 8. Limited Term Appointment Moratorium.** For Fiscal Year 2007,
16 notwithstanding the provisions of §4102 of Title 4 of the Guam Code Annotated, or any
17 other provision of law, *no* person may be employed on a temporary or limited term basis
18 by an instrumentality of the government of Guam during the Fiscal Year, *except* for the
19 following:

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

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

- 1 (3) Nurses and doctors (within the staffing pattern funding levels);
- 2 (4) Temporary survey workers employed by the Department of Labor and
3 Bureau of Statistics and Plans for the purpose of conducting employment surveys (within
4 staffing pattern funding levels);
- 5 (5) Licensed healthcare professionals and other ancillary service personnel
6 employed at the Guam Memorial Hospital Authority, the Department of Mental Health
7 and Substance Abuse, and the Department of Public Health and Social Services (all
8 within staffing pattern funding levels);
- 9 (6) Academic personnel positions at the University of Guam and the Guam
10 Community College (within their appropriated funding levels);
- 11 (7) Substitute school bus drivers.
- 12 (8) Persons filling temporary vacancies created by the call to active military
13 duty of employees who are members of the reserve components of the Department of
14 Defense and the Department of Transportation, included but not limited to the United
15 States Army, United States Navy, United States Marine Corps, United States Air Force,
16 the Army National Guard, the Air National Guard, and the United States Coast Guard.
- 17 (9) Federally-funded positions (matching and up to 100%); and
- 18 (10) Temporary Solid Waste Technicians employed by the Division of Solid
19 Waste Management of the Department of Public Works for the purpose of collecting
20 residential solid waste.

21 **Section 9. Restrictions on Executive Branch Hiring of Unclassified**
22 **Employees.** *No* government funds of any kind or description may be expended on

1 employment of, or hiring of, unclassified employees in the Executive Branch of the
2 government of Guam, *except* for the following:

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

5 (2) Academic personnel positions at the University of Guam and the Guam
6 Community College;

7 (3) Nurses, doctors, licensed health professionals and ancillary health
8 employees necessary for clinical purposes at the Department of Public Health and Social
9 Services, the Department of Mental Health and Substance Abuse, the Office of the Chief
10 Medical Examiner, the Guam Memorial Hospital Authority, Guam Police Department,
11 and the Department of Integrated Services for Individuals with Disabilities; and

12 (4) Department of Labor Survey Workers.

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

14 (6) Persons filling temporary vacancies created by the call to active military
15 duty of employees who are members of the reserve components of the Department of
16 Defense and the Department of Transportation, included but not limited to the United
17 States Army, United States Navy, United States Marine Corps, United States Air Force,
18 the Army National Guard, the Air National Guard, and the United States Coast Guard.

19 This provision does *not* apply to employees at the Office of *I Maga'lahren*
20 *Guahån* and *I Segundu Na Maga'lahren Guåhan*, and the appointments of department or
21 agency heads, deputies and a private secretary.

22 **Section 10. Independent Contractors.** The Office of *I Maga'lahi* may enter
23 into agreements with independent contractors pursuant to Guam procurement laws.

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

7 **Section 12. Quarterly Reports of Medical Referral Offices.** Each of the
8 Guam Medical Referral Offices funded by this Act shall provide quarterly reports on
9 their activities and expenditures. Each report shall include, but not limited, to the
10 following:

- 11 (a) number of referred patients served;
- 12 (b) number of patient escorts or accompanying family members served;
- 13 (c) average cost per patient referral incurred by the respective office during
14 that quarter;
- 15 (d) actual office expenditures for the quarter including fuel costs; and
- 16 (e) outline of services provided during the quarter.

17 The Quarterly Reports required by this Section shall be submitted to *I Maga'láhen*
18 *Guåhan*, the Speaker of *I Liheslaturan Guåhan*, and the Office of the Public Auditor
19 within the thirty (30) days after the close of each quarter of the fiscal year, and shall be
20 posted on the offices' website.

21 **Section 13. Facilities Insurance Requirements.** Every department and
22 agency of the government of Guam, as part of its appropriations for operations contained
23 in this Act, may expend such sums as necessary for facilities insurance requirements.

1 **Section 14. Amendment of Item (1) of Subsection (b) of Section 4117 of**
2 **Chapter 4 of Title 5, Guam Code Annotated.** Item (1) of Subsection (b) of Section
3 4117 of Chapter 4 of Title 5, Guam Code Annotated, is amended to read:

4 “(1) Equipment, such as loader trucks, tractors, trailers, automobiles or other
5 vehicles; machinery; reference books; filing cabinets, typewriters, computers,
6 microcomputers and printers, facsimile machines, adding and calculating machines, other
7 business machines and office equipment; and tools, implements and instruments which
8 may be used continuously without material change in physical condition and having a
9 useful life of one (1) year or longer and cost not less than [~~Five Hundred Dollars~~
10 ~~(\$500.00)] Five Thousand Dollars (\$5,000.00).”~~

11 **Section 15. Environmental Health Fund.** The Department of Public Health
12 and Social Services (DPHSS) is authorized to expend up to the level of revenues
13 collected in the Environmental Health Fund for the operations of the Environmental
14 Health division of the DPHSS in Fiscal Year 2007. This Fund is not subject to the
15 transfer authority of the Director of DPHSS authorized in this Act or transfer authority of
16 *I Maga'lahaen Guåhan.*

17 **Section 16. Volunteers and donations for Skinner Plaza, Plaza De Espana**
18 **and Guam Congress Building.** Notwithstanding any provision of law to the contrary,
19 the Executive Director or Acting Executive Director of *I Liheslaturan Guåhan* is
20 authorized to receive donations, inclusive but not restricted to donations of goods,
21 materials and services, for the purpose of maintaining and improving Skinner Plaza, the
22 Plaza De Espana, and the Guam Congress Building (otherwise known as the Old
23 Legislative Building).

1 **Section 17. Special Fund Transfer.** Notwithstanding any other provision of
2 law, *I Maga'lahen Guåhan* is authorized to transfer to the General Fund any cash
3 available from any Special Fund or Revolving Fund to fund the appropriations authorized
4 in this Act; *except*, that such authority shall not extend to Trust Funds; the Historic
5 Preservation Trust Fund; the Tourist Attraction Fund; Customs, Agriculture and
6 Quarantine Inspection Services Fund; Healthy Futures Fund; Wildlife Conservation
7 Fund; Special Funds under the purview of the Guam Environmental Protection Agency;
8 and funds under the purview and administration of *I Liheslaturan Guåhan*, the Judiciary,
9 the Guam Memorial Hospital Authority, the Guam Public School System and those
10 departments and agencies exempted in this Act from any Governor's transfer authority.

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

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

18 **Section 18. Transfer Authority of I Maga'lahen Guåhan.** *I Maga'lahen*
19 *Guåhan* is hereby authorized to transfer up to Fifteen Percent (15%) of all appropriations
20 made to the Executive Branch within an agency or between agencies. This transfer
21 authority shall not be applicable to funds allocated to the Unified Judiciary, *I*
22 *Liheslaturan Guåhan*, the Office of the Attorney General, the Office of the Public
23 Auditor and the Mayor's Council.

1 *I Maga'lahaen Guåhan* shall report to *I Liheslaturan Guåhan* at the end of each
2 month all transfers pursuant to this Section.

3 **Section 19. Secondary and Tertiary Road Projects.** The Director of Public
4 Works is authorized to delete and add secondary and tertiary road repair projects to the
5 list detailed in Part IV of Chapter II of Public Law 28-68, should such amendment be
6 necessary due to changes in cost estimate, availability of funds or critical need, provided
7 that the repair of potholes on primary and secondary roads must remain a top priority, and
8 must commence as soon as is practicable. Any fees or charges required as a consequence
9 of the issuance of revenue bonds as authorized in Part IV of Chapter II of Public Law 28-
10 68 shall be paid from the proceeds of such bonds. The Director of Public Works may use
11 proceeds of the bond, as well as other funds transferred to the Road and pothole Repair
12 Fund established in Part IV of Chapter II of Public Law 28-68, for the bulk purchase of
13 asphalt or pavement oil, pursuant to the Procurement Law, in the interest of reducing
14 costs of repair.

15 **Section 20. Contracts.**

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

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

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

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

20 **Section 21. Amendment to the Guam Public School System Operations**
21 **Fund.** Section 52101 of Chapter 52, Title 11, Division 2 of the Guam Code Annotated
22 is amended to read:

1 "Chapter 52

2 §52101. Creation of the Guam Public School System Operations Fund.

3 There is hereby created, separate and apart from other funds of the government of Guam,
4 a fund known as the 'Guam Public School System Operations Fund'. This fund shall *not*
5 be commingled with the General Fund and shall be kept in a separate bank account to be
6 in the name of the Guam Public School System (GPSS). Eighty-three point two percent
7 (83.2%) of all withholding taxes, interest and penalties collected in Guam shall fund the
8 Guam Public School System Operations Fund and shall be appropriated by *I Liheslaturan*
9 *Guåhan* to cover the operational expenses of the Guam Public School System and any
10 use associated with the Guam Public School System, as determined in the Guam Public
11 School System budget in accordance with 10 GCA Chapter 3, by the Guam Education
12 Policy Board or the laws of Guam. The Superintendent of Education shall conduct public
13 hearings at the public schools prior to the submission of the budget to the Guam
14 Education Policy Board in order to address each school's individual budgetary
15 requirements. The Director of Administration shall deposit, *over the course of the fiscal*
16 *year, an amount reflective of eighty-three point two percent (83.2%) of all collections for*
17 *withholding taxes, interest and penalties. The Director of Administration shall transfer*
18 *funds on weekly, bi-weekly or monthly basis or as required to sustain operations of the*
19 *Guam Public School System so long as at the end of the fiscal year, an amount reflective*
20 *of 83.2% of all withholding taxes, interest and penalties collected for the fiscal year shall*
21 *have been transferred to the Guam Public School System Operations Fund. Nothing*
22 herein shall be construed as preventing *I Liheslaturan Guåhan* from making additional
23 appropriations to the Guam Public School System. *I Maga'lahren Guåhan's* transfer

1 authority shall *not* apply to this or any other appropriation to the Guam Public School
2 System, *except* that *I Maga'lahaen Guahan* may transfer funds into the Guam Public
3 School System to the extent permitted by law.”

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CHAPTER V

ADMINISTRATIVE PROVISIONS

Section 1. Exemption from BBMR Allotment Release Control. The provisions of 5 GCA §1303 shall be applicable to all appropriations made pursuant to this Act, except for appropriations from the Guam Public School System Operations Fund and for debt service.

Section 2. Reporting Requirements. Thirty (30) days after the close of each quarter of Fiscal Year 2007, each department/agency head in the Executive Branch of the government of Guam, all autonomous, semi-autonomous agencies and Public Corporations inclusive of the Public Auditor of Guam, the Attorney General of Guam, the Administrator of the Courts, the Public Defender of Guam, the President of the Mayors Council of Guam, the Superintendent of the Guam Public School System, the President of the University of Guam, the President of the Guam Community College, the Administrator of the Guam Memorial Hospital Authority, the General Manager of the Guam Visitors Bureau, the Administrator of the Guam Economic Development and Commerce Authority, and the Director of the Guam Election Commission, shall submit in written and electronic format (including, but *not limited to*, diskettes, CD, and/or email) to the Speaker of *I Liheslaturan Guåhan* a report containing full disclosure of ALL funds under its purview and administration for the preceding quarter. Such disclosure shall be in the format of Financial Statements and/or revenue and expenditure reports for each of the funds he or she administers (appropriated, non-appropriated and other sources) or in the format as may be required by *I Liheslaturan Guåhan* and shall

1 post the same on the department/agencies website. This, and all other reporting
2 requirements as mandated in this Act are subject to the following:

3 (a) Fifteen (15) days after the report's due date, *I Maga'lahi*, through the
4 Bureau of Budget and Management Research, shall notify the responsible
5 Department/Agency Head of the Executive Branch, of non-compliance and the imminent
6 deappropriation of funds.

7 (b) Fifteen (15) days after the report's due date, the Chairpersons of all
8 applicable Boards and Commissions shall notify the responsible reporting Official, listed
9 in this Section, of non-compliance with reporting requirements and the imminent
10 deappropriation of funds.

11 **Section 3. Deappropriation of Funds.** Failure to comply with reporting
12 requirements as mandated in this Act, after the forty-fifth (45th) day from the original
13 report due date, shall result in the automatic deappropriation of funds of five percent
14 (5%) of the appropriations made to the non-compliant entity for EACH requirement not
15 met. This Section shall *not* apply when the island is declared to be in the Condition of
16 Readiness One or when *I Maga'lahi* has declared a state of emergency. The Public
17 Auditor shall certify the deappropriation and report it to *I Maga'lahen Guåhan* and the
18 Speaker of *I Liheslaturan Guåhan*. The Bureau of Budget and Management Research
19 shall adjust the appropriation/allotment to effectuate any deappropriation and submit a
20 report of such deappropriation(s) along with copies of the appropriation/allotment
21 modification to the Speaker of *I Liheslaturan Guåhan*.

22 **Section 4. Authorization for Payment of Prior Years' Obligations.**
23 Appropriations made in this Act may be expended for the payment of prior years'

1 obligations. *I Maga'lahaen Guåhan* shall deliver notice to the Speaker of *I Liheslaturan*
2 *Guåhan* of each proposed expenditure. *I Liheslaturan Guåhan* shall have twenty (20)
3 days to act on such notice. Such expenditure will be effective if no action is taken by *I*
4 *Liheslaturan Guåhan*. For these purposes only, 2 GCA §2103, requiring a public hearing
5 for bills, and 5 GCA §8107, requiring notice of regular meetings, including legislative
6 sessions, shall *not* apply.

7 **Section 5. Authorization for Matching Requirements for Federal Grants-**
8 **In-Aid.** Notwithstanding any other provision of law, departments are authorized to
9 expend funds appropriated in this Act for matching requirements of Federal grants.

10 **Section 6. Carryover of Local and Federal Matching Program Funds for**
11 **grants.** The Local and Federal Matching Funds for programs whose expiration dates
12 extend *beyond* September 30, 2007, are hereby authorized to be carried over and
13 expended through the period of the grant award.

14 **Section 7. Federal Reimbursements into the General Fund.** Except as
15 provided by the provisions of §5104(38) of Title 12 of the Guam Code Annotated, *if*
16 Guam expends any funds, which are reimbursed by the Federal Government, the
17 reimbursed funds shall be placed into the General Fund upon receipt.

18 **Section 8. Authorization to expend Indirect Cost Fees collected for Fiscal**
19 **Year 2006.** The Bureau of Budget and Management Research develops the annual
20 central cost allocation plan and indirect cost rate proposal for the collection of the
21 government of Guam's share of indirect costs associated with administration of Federal
22 grants and contracts.

1 Notwithstanding any other provision of law, the Bureau of Budget and
2 Management Research ("BBMR") is allocated Three Percent (3%) of total indirect cost
3 fees collected in Fiscal Year 2006. BBMR is authorized to expend fees for costs related
4 to negotiating and administering the government of Guam's indirect cost rate.

5 **Section 9. The Guam Public School System Operations Fund Capped**
6 **Appropriation Level.** The appropriation made from the Guam Public School System
7 Operations Fund to the Guam Public School System is capped at \$168,015,080.

8 **Section 10. The Pharmaceuticals Fund Capped Appropriation Level.**
9 The appropriation made from the Pharmaceuticals Fund to the Guam Memorial Hospital
10 Authority is capped at \$9,902,772.

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