

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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CHAPTER IV.
MISCELLANEOUS PROVISIONS.

Section 1. Continuing Appropriation for Office of *I Maga'lahaen Guåhan*.
The appropriation made to the Office of *I Maga'lahaen Guåhan* pursuant to Section 12(a) of Public Law 27-107 shall continue until all sums appropriated are expended.

Section 2. Continuing Appropriation for Office of Veterans Affairs. The appropriation made to the Office of Veterans Affairs pursuant to Section 25 of Chapter IV of Public Law 27-106 for the purpose of hiring three (3) Veterans Service Representatives and for other purposes, shall continue until all sums appropriated are expended.

Section 3. Continuing Appropriation for Office of *I Segundo Na Maga'lahaen Guåhan*. The appropriation made to the Office of *I Segundo Na Maga'lahaen Guåhan* pursuant to Section 12(c) of Public Law 27-107 shall continue until all sums appropriated are expended.

Section 4. Continuing Appropriation for Bureau of Statistics and Plans. The appropriation made to the Bureau of Statistics and Plans in Section 14(b) of Public Law 27-107 for the specific purpose of recruiting a Chief Economist and to fund necessary related operations after recruitment shall continue until all sums appropriated are expended.

Section 5. Continuing Appropriation for Department of Chamorro Affairs (Museum Curator). The appropriation made to the Department of Chamorro Affairs in Section 23 of Chapter IV of Public Law 27-106 for a Guam Museum Curator shall continue until all sums appropriated are expended.

Section 6. Continuing Appropriation for *I Liheslaturan Guåhan*. The unexpended balance of funds available for expenditure by *I Liheslaturan Guåhan*

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

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

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

8 **Section 8. Continuing Appropriation for Mayors Council of Guam.** The

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

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

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

14 **Section 10. Transfer of Employees.** Notwithstanding any other provision of

15 law, and in recognition of the shortages of personnel in certain areas of the government,
16 *I Maga'lahaen Guåhan* is authorized to transfer employees within or between any
17 department or agency of the Government of Guam, *except* that:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18 **Section 14. Staffing Pattern Reporting.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22 (1) Department of Labor Survey Workers.

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

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

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

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

6 **Section 20. Independent Contractors.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19 **"§1114. Administration.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24 Title 1 Guam Code Annotated § 1907

25 Title 4 Guam Code Annotated § 4122

26 Title 4 Guam Code Annotated § 4124

27 Title 4 Guam Code Annotated § 4207

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

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

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

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

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

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

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

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

- 18 (a) Maintain and from time to time modify a general personnel policy
19 for all government of Guam line agencies through the adoption of rules
20 and regulations pursuant to the Administrative Adjudication Law;
- 21 (b) Investigate conditions of government employment as he deems
22 necessary and report his findings thereon to *I Maga'lahaen Guåhan* and *I*
23 *Lihselaturan Guåhan* annually;
- 24 (c) Administer the Equal Employment Opportunity Program for the
25 Executive Branch of the government of Guam.”

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17 **Section 61. GVB Provisions.**

18 (1) The appropriations made in Chapter III, Section 8, Subsections (a)
19 and (b) of this Act shall *not* be expended for any other purpose.

20 (2) *Except* for the transfer authority provided in Section 59 of this Act,
21 *no* other transfer is authorized from the appropriations made in this
22 Section.

23 (3) Unless otherwise stipulated in this Act, the Tourist Attraction Fund
24 ("TAF") appropriations contained herein shall be utilized *solely* for
25 the purposes outlined herein and shall *not* be subject to any transfer
26 authority by *I Maga'lahaen Guåhan*.

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

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

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

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

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

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

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

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

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

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

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

7 **“Article 12**

8 **PROCUREMENT APPEALS**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 **“§8140. Director of Fund.**

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

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

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

1 (8) ability to establish and maintain positive communication and
2 effective working relationships with administrative officials,
3 legislators, consultants, Board Trustees, system employees, both
4 active, inactive and retired members of the Fund, public employee
5 organizations and the general public;

6 (9) a Bachelor's degree in Business Administration, Finance,
7 Accounting, Economics, Public Administration, or closely-related
8 area; and at least seven (7) years of diverse management experience
9 in the administration of a public or private pension system; or a
10 Master's Degree in Business Administration, Finance, Accounting,
11 Economics, Public Administration, or closely-related field, and at
12 least five (5) years of diverse management experience in the
13 administration of a public or private pension system.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6 **Section 90. Transfer Authority of Twenty Percent (20%).** *I Maga'lahren*
7 *Guåhan* is authorized to transfer up to twenty percent (20%) of appropriations made to
8 the following departments and agencies of the government of Guam, except that *I*
9 *Maga'lahren Guåhan* can transfer funds into the department and agencies without
10 restriction:

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

20 **Section 91. Transfer Authority of Thirty Percent (30%).** *I Maga'lahren*
21 *Guåhan* is authorized to transfer up to thirty percent (30%) of appropriations made to
22 the following departments and agencies of the government of Guam, except that *I*
23 *Maga'lahren Guåhan* can transfer funds into the department and agencies without
24 restriction:

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