

I MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN
2006 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN

This is to certify that Bill No. 359(LS), "AN ACT MAKING APPROPRIATIONS FOR THE OPERATIONS OF THE EXECUTIVE, LEGISLATIVE AND JUDICIAL BRANCHES OF THE GOVERNMENT OF GUAM FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2007, MAKING OTHER APPROPRIATIONS, AND ENACTING MISCELLANEOUS AND ADMINISTRATIVE PROVISIONS," as amended, was on the 29th day of September, 2006, duly and regularly passed.



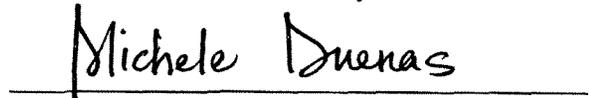
Mark Forbes
Speaker

Attested:



Edward J.B. Calvo
Senator and Secretary of the Legislature

This Act was received by *I Maga'lahaen Guåhan* this 29 day of Sept, 2006, at
11:11 o'clock a.M.



Michele Duenas
Assistant Staff Officer
Maga'lahaen's Office

APPROVED

FELIX P. CAMACHO
I Maga'lahaen Guåhan

Date: 30 SEPT 2006

Public Law No. 28-150

1 establishes the estimated government of Guam revenues for the fiscal year
2 ending September 30, 2007; appropriates funds addressing the government
3 of Guam’s continuing debt service; authorizes *I Maga’lahen Guåhan* to
4 refinance the 1993 General Obligations Bond and earmarks proceeds for
5 capital expenses and improvements of the Guam Public School System and
6 the University of Guam; and establishes miscellaneous educational
7 provisions focused on the management of educational resources and assuring
8 accountability in the use of public resources and funds. Bill No. 266(EC) as
9 passed is now known as the “Educational Appropriations Act of 2007”.

10 *I Liheslaturan Guåhan* further states that the “*General Appropriations*
11 *Act of 2007*” is a vehicle that collectively addresses the general
12 appropriation requirements of the government of Guam for Fiscal Year
13 2007.

14 **Section 2. Short Title.** This Act, together with any other
15 appropriations act for Fiscal Year 2007, shall collectively be known as the
16 “*General Appropriations Act of 2007*”. The Administrative and
17 Miscellaneous provisions of any other appropriations act for Fiscal Year
18 2007 shall govern this Act *unless* otherwise specified herein. *Except* as
19 otherwise provided herein, the appropriations made by this Act shall be
20 available to pay for obligations incurred on or after October 1, 2006, but *no*
21 *later than* September 30, 2007. *If* any appropriation of this Act is found to
22 violate federal law, all other portions shall remain valid.

1 **(e) Medicines for the Community Health Centers.** The sum of
2 Three Hundred Thousand Dollars (**\$300,000**) is appropriated from the
3 General Fund for Fiscal Year 2007 to the Department of Public Health and
4 Social Services' Community Health Centers for the purchase of medicines.

5 **(f) Catastrophic Illness Program.** The sum of One Hundred
6 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
8 the *sole* purpose of funding the Catastrophic Illness Program.

9 **(g) Enhanced Allotment Plan.** The sum of Four Hundred Forty-
10 seven Thousand Three Hundred Thirty-six Dollars (**\$447,336**) is
11 appropriated from the General Fund to the Department of Public Health and
12 Social Services for the Enhanced Allotment Plan (Medicaid Part D) for
13 Fiscal Year 2007.

14 **(h) Foster Homes.** The sum of One Hundred Sixty-five Thousand
15 Three Hundred Seventy-five Dollars (**\$165,375**) is appropriated from the
16 General Fund to the Department of Public Health and Social Services for
17 payments of stipends and fees for Foster Home care for Fiscal Year 2007.

18 **Section 2. Special Funds Appropriations for Operations.** The
19 following appropriations totaling Seven Million Two Hundred Ninety-three
20 Thousand Two Hundred Fifty-two Dollars (**\$7,293,252**) are made to the
21 Department of Public Health and Social Services for Fiscal Year 2007 from
22 the following Special Funds:

23 **(a) Healthy Futures Fund Appropriation.** Notwithstanding
24 §26603(d), Chapter 26 of Title 11, Guam Code Annotated, the sum of Six
25 Million Seven Hundred Ninety-five Thousand Five Hundred Forty-two
26 Dollars (**\$6,795,542**) is appropriated from the Healthy Futures Fund to the
27 Department of Public Health and Social Services for its operations in Fiscal

1 Year 2007. This appropriation includes such sums as are necessary for the
2 Community Health Centers' operations, education, treatment and prevention
3 programs. This appropriation shall also be used to revise the Public
4 Assistance Program Tables, including the Basic Needs Standard Table and
5 the Standard Utility and Shelter Allowances Table, used to compute the
6 amounts of public assistance and amounts from public welfare programs
7 paid to program participants.

8 **(b) Environmental Health Fund Appropriation.** The sum of
9 Four Hundred Ninety-seven Thousand Seven Hundred Ten Dollars
10 **(\$497,710)** is appropriated from the Environmental Health Fund to the
11 Department of Public Health and Social Services for its operations in Fiscal
12 Year 2007. The unexpended balance of the Environmental Health Fund as
13 of September 30, 2006 shall be available to the Department of Public Health
14 and Social Services Division of Environmental Health during Fiscal Year
15 2007.

16 **Section 3. Federal Matching Funds.** The sum of Twenty-two
17 Million Three Hundred Forty-six Thousand Six Hundred Sixty Dollars
18 **(\$22,346,660)** is authorized from Federal Matching Grants-in-Aid to the
19 Department of Public Health and Social Services for its operations in Fiscal
20 Year 2007.

21 **Section 4. MIP and Medicaid Carry-Over Authorization.** The
22 unexpended balance of appropriations from the General Fund to the
23 Department of Public Health and Social Services for MIP and Medicaid
24 Programs for Fiscal Year 2006 shall *not* revert to the General Fund, but shall
25 be carried over into Fiscal Year 2007 to be expended in accordance with the
26 original purposes of said appropriations. The Director of DPHSS shall
27 submit a report to the Speaker of *I Liheslaturan Guåhan* regarding the

1 allocation, demographics and expenditures associated with the
2 appropriations contained herein *no later than* thirty (30) days after the close
3 of each quarter and post the same on DPHSS's website. Payments for MIP
4 and Medicaid vendors shall be made by the Department of Administration
5 on a first in – first out basis.

1 against the appropriations in this Subsection and post the same on the
2 Department's website.

3 **(b)** The sum of Six Hundred Thousand Dollars (**\$600,000**) is appropriated
4 from the General Fund to the Department of Mental Health and Substance
5 Abuse for Fiscal Year 2007 to fund the outsourcing of services providing
6 drug and alcohol detoxification, rehabilitation, and prevention services,
7 *provided* that the awarding of such funds be consistent with Title 48 USC
8 §1421b(p) for services to adolescent, adult female and adult male patients.

1 the Guam Memorial Hospital Authority Pharmaceuticals Fund for Fiscal
2 Year 2007.

3 **Section 3. Guam Memorial Hospital Authority Operations**
4 **Appropriation.** The sum of Three Million Six Hundred Thirty-nine
5 Thousand Nine Hundred Seventy-seven Dollars (**\$3,639,977**) is appropriated
6 from the General Fund to the Guam Memorial Hospital Authority for its
7 operations in Fiscal Year 2007.

8 The unexpended balance of the appropriation made to the Guam
9 Memorial Hospital Authority in Section 25, Part III, Chapter II of Public
10 Law 28-68 in the amount of Seven Million Eight Hundred Thousand Dollars
11 (\$7,800,000) against Fiscal Year 2007 revenues shall continue to be
12 available for expenditures in Fiscal Year 2007 for the same purposes in said
13 appropriation.

14 **Section 4. Acknowledgement of Compact Impact Subsidy and**
15 **USDOJ Funds.** *I Liheslaturan Guåhan* gratefully acknowledges *I*
16 *Maga'lahaen Guåhan's* generous dedication of Eight Million One Hundred
17 Thousand Dollars (\$8,100,000) in Compact Impact Funds and USDOJ funds
18 to the needs of the Guam Memorial Hospital and designates the same
19 supplement to the subsidies and assistance given herein.

20 **Section 5. Remediation of Poor Collection Rates.** Within
21 ninety (90) days of the effective date of this Act, the Administrator of the
22 Guam Memorial Hospital Authority shall transmit to *I Maga'lahaen Guåhan*
23 and the Speaker of *I Liheslaturan Guåhan* a plan for remediation of the poor
24 collection rates experienced by the Authority. Said plan shall address such
25 items as self-paying and non-paying customers, methods to improve
26 collections from MIP, unfavorable settlement rates with insurance providers
27 and poor reimbursement rates from Medicare.

1 **Section 6. Management Reform.** §80106(i) of Title 10 GCA is
2 hereby *amended* to read as follows:

3 “(i) The Board shall, in accordance with all relevant
4 procurement laws, contract with a professional management
5 firm with at least five (5) years demonstrated experience in
6 hospital management in the United States, to manage the
7 hospital facility and all of its functions. The management firm
8 shall exercise, on the Board’s behalf, all of the executive
9 authority granted to the Board by the laws of Guam, provided
10 that the Board shall retain its rulemaking authority and shall
11 monitor the firm’s performance of the contract. The contract
12 shall be for a period of five (5) years. *If* the contract is
13 terminated or becomes invalid for any reason, *all* authority shall
14 revert to the Board, which shall appoint an interim manager
15 until a new contractor is selected. The Board shall determine
16 the firm’s compensation, which shall be paid from the Hospital
17 Operations Fund.

- 18 (1) The management firm shall:
- 19 (aa) manage the Guam Memorial Hospital Authority in
20 accordance with the laws of Guam;
 - 21 (bb) provide periodic reports to the Board on the
22 operations and functioning of the hospital;
 - 23 (cc) recommend changes in the law to improve the
24 hospital’s functioning and create a written plan to
25 achieve JCAHO accreditation for the hospital,
26 within five (5) years, with said plan to include

1 benchmarks by which to measure progress towards
2 this goal; and

3 (dd) provide training to hospital staff as shall be
4 specified in the contract.”

5 **Section 7.** The Board shall enter into the contract required by the
6 previous Section *no later than* one hundred eighty (180) days after the
7 enactment hereof.

8 **Section 8. Alternative Reform.** If the Board of Trustees of GMHA
9 determines that alternative management reform would be in the best interest
10 of the Hospital, including, *but not limited to*, partnership with another
11 hospital, or any alternative to the method mandated by Section 6 of this Part,
12 the Board of Trustees shall so inform *I Maga’lahen Guåhan* and *I*
13 *Liheslaturan Guåhan*, in writing, within ninety (90) days of the effective
14 date hereof. Section 6 of this Part shall then be suspended, *provided* that
15 said written notification shall include, at a minimum, a detailed description
16 of the management reform alternative selected and a timeline for its
17 implementation.

18 **Section 9.** If the Board has complied with neither §6 nor §8 of this
19 Part by April 1, 2007, it shall nevertheless provide the alternative
20 management reform required by §8 and said report to *I Maga’lahen Guåhan*
21 and *I Liheslaturan Guåhan*.

22 **Section 10. Comprehensive Cancer Therapy Center Initiative.**

23 **(a) Comprehensive Cancer Therapy Center.** The Administrator of
24 the Guam Memorial Hospital Authority (GMHA) shall provide a plan of
25 action, within six (6) months of the enactment hereof, to *I Liheslatura*, *I*
26 *Maga’Lahi* and the Board of Trustees, for the development and construction
27 of a comprehensive Cancer Therapy Center, to provide radiation therapy or

1 treatment and medical oncology for the treatment of cancer patients. Said
2 plan of action shall:

3 (1) incorporate timelines, funding requirements, and
4 administrative options for the operations of the Cancer Therapy
5 Center;

6 (2) compare and contrast the costs and benefits of the
7 Cancer Therapy Center operating under full GMHA
8 management, fully privatized ownership, and public-private
9 partnership; and

10 (3) include provisions for the care of indigent patients under
11 the Medically Indigent Program (MIP) and Medicaid Program.

12 **(b) Radiation Therapy or Treatment Machine.** The sum of Two
13 Million Dollars (\$2,000,000) is hereby appropriated from Fiscal Year 2008
14 Revenues to the Guam Memorial Hospital Authority to purchase a Radiation
15 Therapy Machine. The Guam Memorial Hospital Authority may enter into a
16 contract or a public-private partnership agreement for the operation of the
17 Radiation Therapy Machine. Said contract or public-private partnership
18 agreement shall provide for the care of indigent patients under the Medically
19 Indigent Program (MIP) and Medicaid Program.

1 **CHAPTER II**

2 **Part V – GUAM ENVIRONMENTAL PROTECTION AGENCY**

3 **Section 1. Guam Environmental Protection Agency.**

4 **(a) Waste Reduction Education Strategy.** The sum of Twenty
5 Thousand Dollars (**\$20,000**) is appropriated from the General Fund to the
6 Guam Environmental Protection Agency’s Solid Waste Management Fund
7 for the Agency’s Information Services Branch to conduct the Waste
8 Reduction Education Strategy. Said Strategy shall focus on student outreach
9 in different grade levels of public and private schools and shall facilitate
10 demonstration projects and service learning opportunities within said
11 schools in Fiscal Year 2007.

12 **(b) HASSO Guam Program.** The sum of Ten Thousand Dollars
13 (**\$10,000**) is appropriated from the General Fund to the Guam
14 Environmental Protection Agency’s Solid Waste Management Fund for use
15 in the Solid Waste Management Division for public outreach to support
16 HASSO Guam Program in its collection of household hazardous waste in
17 Fiscal Year 2007.

18 **(c) Appropriation to the Guam Environmental Protection**
19 **Agency to Hire Two (2) Environmental Inspector II’s.** The sum of
20 Eighty-one Thousand Seven Hundred Nineteen Dollars (**\$81,719**) is
21 appropriated from the General Fund to the Guam Environmental Protection
22 Agency to hire two (2) persons to fill Environmental Inspector II positions in
23 the Water Programs – Enforcement Division in Fiscal Year 2007.

24 **(d) Air Pollution Control Special Fund.** The sum of Two
25 Hundred Twenty-one Thousand One Hundred Eighty-two Dollars
26 (**\$221,182**) is appropriated from the Air Pollution Control Special Fund
27 (Title 10 G.C.A. §49107(f)) to the Guam Environmental Protection Agency

1 for Fiscal Year 2007 for equipment, supplies, utilities, miscellaneous
2 expenses, contractual services, and capital outlay. This appropriation shall
3 *not* lapse and shall apply to all operations of the Agency.

4 **(e) Guam Environmental Trust Fund.** The sum of One Hundred
5 Ninety-one Thousand Eight Hundred Twelve Dollars **(\$191,812)** is
6 appropriated from the Guam Environmental Trust Fund (Title 10 GCA,
7 Chapter 45, §45200) for Fiscal Year 2007 to the Guam Environmental
8 Protection Agency for contractual services, equipment, miscellaneous
9 expenses and capital outlay.

10 **(f) Water Research and Development Fund.** The sum of
11 Seventy-nine Thousand Five Hundred Eighteen Dollars **(\$79,518)** is
12 appropriated from the Water Research and Development Fund (Title 10
13 GCA Chapter 46, §46116) to the Guam Environmental Protection Agency
14 for Fiscal Year 2007 for contractual services, supplies, equipment,
15 miscellaneous expenses and capital outlay.

16 **(g) Water Protection Fund.** The sum of Fifty-four Thousand
17 Two Hundred Forty-two Dollars **(\$54,242)** is appropriated from the Water
18 Protection Fund (P.L. 25-152, GEPA Soil Erosion and Sedimentation
19 Control Regulations, §10108(G)) to the Guam Environmental Protection
20 Agency, for Fiscal Year 2007, for contractual services, equipment, supplies
21 and capital outlay.

22 **(h) Transfer Exemption.** The funds appropriated in Section 1 of
23 Part V of Chapter II hereof are *not* subject to *I Maga'lahren Guåhan's*
24 transfer authority.

1 **CHAPTER III**

2 **PART II – GUAM FIRE DEPARTMENT**

3 **Section 1. Guam Fire Department.** (a) The sum of Twenty-one
4 Million Ninety-nine Thousand Seven Hundred Seventy-seven Dollars
5 **(\$21,099,777)** is appropriated from the General Fund to the Guam Fire
6 Department for its operations in Fiscal Year 2007.

7 (b) The sum of Two Million Eighty-two Thousand Seven Hundred
8 Eighty-seven Dollars **(\$2,082,787)** is appropriated from the Enhanced 911
9 Emergency Reporting System Fund to the Guam Fire Department for its
10 operations in Fiscal Year 2007.

11 (c) The Guam Fire Department is authorized to use the funds
12 appropriated in this Section to hire civilian personnel to staff the Enhanced
13 911 Emergency Reporting System, thereby allowing existing uniformed
14 firefighters within the E911 Program to transfer to other firefighting service
15 areas within the Department. The Department of Administration shall
16 attempt to attract qualified individuals with disabilities to apply for such
17 positions.

18 **Section 2. Firefighters – EMT-A Duty.** The sum of Six
19 Hundred Ninety-five Thousand Two Hundred Seventy-three Dollars
20 **(\$695,273)** is appropriated from the General Fund to the Guam Fire
21 Department for the purposes of §6223 of Article 2 of Chapter 6 of Title 4
22 Guam Code Annotated.

23 **Section 3. Continuing Appropriation to be used for**
24 **Promotions.** The appropriations contained in Sections 15 and 22, Part II,
25 Chapter II of Public Law 28-68 shall *not* expire and shall continue for Fiscal
26 Year 2007 for the purpose of funding promotions at the Guam Fire
27 Department and other Department operations.

1 **CHAPTER III**

2 **PART III – DEPARTMENT OF CORRECTIONS**

3 **Section 1. Department of Corrections Operations.** (a) The
4 sum of Thirteen Million Nine Hundred Twenty-four Thousand Four
5 Hundred Twenty-six Dollars (**\$13,924,426**) is appropriated from the General
6 Fund to the Department of Corrections for its operations in Fiscal Year
7 2007.

8 (b) The sum of One Million Five Hundred Thirty-nine Thousand
9 One Hundred Thirty-four Dollars (**\$1,539,134**) is appropriated from the
10 Corrections Revolving Fund to the Department of Corrections to support its
11 operations in Fiscal Year 2007.

12 **Section 2. Department of Corrections Compensation for**
13 **Housing Incarcerated Persons.** The sum of Ninety-six Thousand Dollars
14 (**\$96,000**) is appropriated from the Safe Streets Fund to the Department of
15 Corrections for Fiscal Year 2007 to fund housing for incarcerated persons.

1 **CHAPTER III**

2 **PART IV – DEPARTMENT OF YOUTH AFFAIRS**

3 **Section 1. Department of Youth Affairs.** The sum of Three
4 Million Three Hundred Fifty-six Thousand Five Hundred Fifty-one Dollars
5 **(\$3,356,551)** is appropriated from the General Fund to the Department of
6 Youth Affairs (DYA) for its operations in Fiscal Year 2007.

7 **Section 2. Youth Program Appropriation.** The sum of Two
8 Hundred Forty-one Thousand Nine Hundred Forty-four Dollars **(\$241,944)**
9 is appropriated from the General Fund for Fiscal Year 2007 to the
10 Department of Youth Affairs to fund programs contracted out to non-
11 governmental organizations for youths who are runaways, homeless, or
12 victims of abuse.

13 **Section 3. Appropriation to the Department of Youth Affairs.**
14 The sum of Three Hundred Thousand Dollars **(\$300,000)** is appropriated
15 from the Healthy Futures Fund to the Department of Youth Affairs for its
16 operations for Fiscal Year 2007.

1 **CHAPTER III**

2 **PART V – OFFICE OF THE CHIEF MEDICAL EXAMINER**

3 **Section 1. Office of the Chief Medical Examiner.** The sum of
4 Four Hundred Eight Thousand Five Hundred Fifty-nine Dollars (**\$408,559**)
5 is appropriated from the General Fund to the Office of the Chief Medical
6 Examiner for its operations in Fiscal Year 2007.

1 **CHAPTER III**

2 **PART IX – DEPARTMENT OF AGRICULTURE**

3 **Section 1. Appropriation for Conservation Officers.** There is
4 hereby appropriated from the General Fund to the Department of Agriculture
5 the sum of Five Hundred Ninety-eight Thousand Sixty-three Dollars
6 **(\$598,063)** for the compensation and benefits of Conservation Officers in
7 the Division of Aquatic & Wildlife Resources in Fiscal Year 2007 to be
8 allocated as follows:

9	Personnel and Benefits	\$557,337
10	Overtime	\$ 16,226
11	Uniforms/Supplies/Equipment	\$ 24,500
12	Total	\$598,063

- 1 **(i)** Department of Agriculture (Guam Plant Inspection and Permit
2 Fund - \$44,507) (Federal Matching Grants-In-Aid - \$560,565).
- 3 **(j)** Department of Land Management (Land Survey Revolving Fund -
4 \$950,000) (FY 2005 Land Survey Revolving Fund Unreserved
5 Fund Balance - \$682,580).
- 6 **(k)** Department of Parks and Recreation (Public Recreation Services
7 Fund - \$154,717).
- 8 **(l)** Guam Council on the Arts and Humanities Agency (Tourist
9 Attraction Fund - \$50,000) (Federal Matching Grants-In-Aid -
10 \$237,600).
- 11 **(m)** Department of *Chamorro* Affairs (Tourist Attraction Fund -
12 \$54,099).
- 13 **(n)** Guam Election Commission (Federal Matching Grants-In-Aid -
14 \$700,000).
- 15 **(o)** Commission on Decolonization.
- 16 **(p)** Guam Ancestral Lands Commission.
- 17 **(q)** *Chamorro* Land Trust Commission (*Chamorro* Land Trust
18 Operations Fund - \$492,266).
- 19 **(r)** Office of *I Maga'lahaen Guåhan*.
- 20 **(s)** Office of *I Segundo Na Maga'lahaen Guåhan*.
- 21 **(t)** Guam State Clearinghouse.
- 22 **(u)** Office of Veteran's Affairs.
- 23 **(v)** Medical Referral Office.
- 24 **(w)** Guam Board of Accountancy.
- 25 **(x)** Guam Contractors License Board (Guam Contractors License
26 Board Fund - \$334,901).

1 (y) Board of Professional Engineers, Architects and Land Surveyors
2 (Professional Engineers, Architects and Land Surveyors Board
3 Fund - \$201,825).

4 **Section 2. Executive Branch Appropriations from other**
5 **Sources.** (a) Notwithstanding any other provision of law, the sum of One
6 Million Five Hundred Twenty-two Thousand One Hundred Forty-two
7 Dollars (**\$1,522,142**) is appropriated from the excess funds of the GTA
8 Privatization Proceeds Fund Cushion Account, which was transferred to the
9 Interim Transition Coordinating Committee Fund, to *I Maga'lahaen Guåhan*
10 for Executive Branch FY 2007 operations, including personnel costs.

11 (b) Notwithstanding any other provision of law, the sum of One
12 Million Eight Hundred Thirteen Thousand Sixty-eight Dollars (**\$1,813,068**),
13 from the balance of the cash received from the Rural Telephone Bank (RTB)
14 Stock Redemption (Interim Transition Coordinating Committee Fund) held
15 by the government of Guam, is appropriated to *I Maga'lahaen Guahan* for
16 Executive Branch FY 2007 operations, including personnel costs.

17 (c) Notwithstanding any other provision of law, the sum of Three
18 Million Seven Hundred Ten Thousand Five Hundred Seven Dollars
19 (**\$3,710,507**) from the balances in dormant or inactive funds and accounts,
20 as reported by the Office of the Public Auditor in OPA Report No. 06-03, is
21 hereby transferred to the General Fund and is hereby appropriated from the
22 General Fund to *I Maga'lahaen Guåhan* for Executive Branch FY 2007
23 operations, including personnel costs. Upon such transfer, the said dormant
24 funds and accounts shall be closed and all further receipts from such funds
25 shall be deposited in the General Fund. The Director of Administration shall
26 report to *I Maga'lahaen Guåhan* and *I Liheslaturan Guåhan* on the final
27 closure of said funds and the amounts transferred to the General Fund.

1 (d) Notwithstanding any other provision of law, the debt service
2 savings of approximately Eight Million Dollars (**\$8,000,000**) realized from
3 the 1993 General Obligation Bond Refinancing is hereby appropriated from
4 the Territorial Education Facilities Fund to *I Maga'lahaen Guåhan* for the
5 Fiscal Year 2007 operations of the Executive Branch.

6 **Section 3. Continuing Appropriation.** *I Maga'lahaen Guåhan* is
7 authorized to expend up to Twenty-five Million Dollars (**\$25,000,000**) of the
8 balance of prior years' appropriations for Executive Branch departments and
9 agencies for operations in Fiscal Year 2007, *except* for those appropriations
10 otherwise continued pursuant to this Act. The authority to expend the said
11 Twenty-five Million Dollars (\$25,000,000) is deemed continued for Fiscal
12 Year 2007 *only*. *I Maga'lahaen Guåhan* shall identify such unexpended and
13 unencumbered appropriations that continue into Fiscal Year 2007 and report
14 such continued appropriations and the expenditures therefrom to the Speaker
15 of *I Liheslaturan Guåhan*.

16 **Section 4. Transfer Authority of I Maga'lahaen Guåhan.** *I*
17 *Maga'lahaen Guåhan* is authorized to transfer funds between Fiscal Year
18 2007 General Fund Executive Branch appropriations, but shall *not* transfer
19 appropriations made to the Department of Law, the Mayors Council, the
20 University of Guam, the Guam Community College, the Guam Public
21 School System and the Guam Public School System Operations Fund.

22 **Section 5. Special Fund Transfer.** *I Maga'lahaen Guåhan* is
23 authorized to transfer to the General Fund any cash available from any
24 Special Fund or Revolving Fund to fund the appropriations authorized in this
25 Act, provided that such authority shall *not* extend to Trust Funds; the
26 Historic Preservation Trust Fund; the Tourist Attraction Fund; the Customs,
27 Agriculture and Quarantine Inspection Services Fund; the Healthy Futures

1 Fund; the Wildlife Conservation Fund; Special Funds under the purview of
2 the Guam Environmental Protection Agency; and funds under the purview
3 and administration of *I Liheslaturan Guåhan*, the Judiciary, the Guam
4 Memorial Hospital Authority, the Guam Public School System and those
5 departments and agencies exempted in this Act from the Governor's transfer
6 authority.

7 All cash from Special Funds or Revolving Funds transferred to cover
8 the appropriations authorized by this Act shall be reimbursed to the Special
9 or Revolving Fund from which it was transferred promptly as cash becomes
10 available.

11 *I Maga'lahaen Guåhan* shall submit a report to the Speaker of *I*
12 *Liheslaturan Guåhan* on the fifth (5th) day of every month on all transfers
13 made pursuant to this Section. Said report shall include detailed information
14 on the amount of such transfers and identify the fund from which the
15 transfers were made and the purposes of the transfers.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

CHAPTER IV

PART II – MISCELLANEOUS APPROPRIATIONS

Section 1. Retirees’ Supplemental Annuity Benefits and for other Costs. (a) The sum of Twelve Million Eight Hundred Seventy Thousand Eight Hundred Six Dollars (**\$12,870,806**) is appropriated from the General Fund to the Supplemental Annuity Benefits Special Fund for Fiscal Year 2007 for direct payment to those employees who retired *prior* to October 1, 1995, or their survivors, for the continuing provision of Four Thousand Two Hundred Thirty-eight Dollars (**\$4,238**) per year in supplemental annuity benefits, consisting of the sums of One Thousand Two Hundred Dollars (**\$1,200**), One Thousand Five Hundred Dollars (**\$1,500**), Seven Hundred Dollars (**\$700**), and Eight Hundred Thirty-eight Dollars (**\$838**) in annual benefits formerly contained in various General Appropriation Acts.

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

(c) The Director of Administration shall disburse to the retirees, or their survivors, the supplemental annuity benefits provided for in Subsection (a) of this Section. The Government of Guam Retirement Fund shall

1 provide the necessary information for disbursement to the retirees, or their
2 survivors, to the Director of Administration.

3 (d) Deposits made to the Supplemental Annuity Benefits Special
4 Fund shall *not* be commingled with the General Fund and shall continue to
5 be kept in a separate bank account which shall continue to be administered
6 by the Director of Administration. This Special Fund shall *not* be subject to
7 *I Maga'lahaen Guåhan's* transfer authority.

8 (e) For October 1, 2006 to September 30, 2007, the Guam Power
9 Authority, the A. B. Won Pat International Airport Authority, Guam, the
10 Guam Economic Development and Commerce Authority, the Guam
11 Housing Corporation, the Government of Guam Retirement Fund, the Jose
12 D. Leon Guerrero Commercial Port, the Guam Waterworks Authority and
13 the Guam Visitors Bureau shall remit to the Department of Administration
14 an amount equal to the number of eligible employees who are retired from
15 that entity multiplied by the amounts listed in Subsection (a) hereof. The
16 remittance shall be made in two (2) equal installments on or before October
17 10, 2006, and April 15, 2007, respectively. Once remitted, this amount shall
18 *not* be subject to *I Maga'lahaen's* transfer authority.

19 (f) The sum of Seven Million Eight Hundred Ninety-seven
20 Thousand Fifty Dollars (**\$7,897,050**) is appropriated from the General Fund
21 to the Government of Guam Retirement Fund for the payment of the
22 following two (2) items of benefits of current retirees from October 1, 2006
23 to September 30, 2007:

- 24 (1) Retiree group health, dental and life insurance premiums
25 (to continue existing programs currently contained in the
26 semi-monthly payments); and

1 (2) Retiree life insurance subsidy (to continue existing
2 programs currently contained in the semi-monthly
3 payments).

4 (g) For October 1, 2006 to September 30, 2007, the Guam Power
5 Authority, the A. B. Won Pat International Airport Authority, Guam, the
6 Guam Economic Development and Commerce Authority, the Guam
7 Housing Corporation, the Government of Guam Retirement Fund, the Jose
8 D. Leon Guerrero Commercial Port, the Guam Waterworks Authority and
9 the Guam Visitors Bureau shall remit to the Government of Guam
10 Retirement Fund their shares of payments for medical, dental and life
11 insurance payments for their respective retirees. The remittance shall be due
12 in two (2) equal installments on or before October 10, 2006, and on or
13 before April 1, 2007, respectively.

14 The autonomous agencies' share of payments for medical, dental and
15 life insurance authorized herein are *ex gratia* payments and are for Fiscal
16 Year 2007 *only*. Future medical, dental and life insurance payments made
17 after October 1, 2007 may be addressed by future legislation.

18 (h) (1) For October 1, 2006 through September 30, 2007, the sum
19 of Three Hundred Eighty-seven Thousand Eight Hundred Ninety-five
20 Dollars (**\$387,895**) is appropriated from the General Fund to the
21 Government of Guam Retirement Fund to defray the cost of Medicare
22 premiums for Government of Guam Retirees and their survivors who are
23 eligible to receive Social Security income benefits and are required under the
24 Government of Guam group health insurance program to pay such premiums
25 in order to continue to participate in such health insurance program (to
26 continue existing programs contained in the monthly payments).

1 (2) The sum of One Hundred Eighty-six Thousand Five
2 Hundred Fifty Dollars (**\$186,550**) is appropriated from the General Fund to
3 the Government of Guam Retirement Fund to fund the Fiscal Year 2006
4 shortfall for Medicare premium reimbursements.

5 (3) The sum of Thirty-five Thousand Dollars (**\$35,000**) is
6 appropriated from the General Fund to the Government of Guam Retirement
7 Fund to fund the Fiscal Year 2005 shortfall of Medicare premium
8 reimbursements.

9 (i) For Fiscal Year 2007, the sum of One Hundred Thirty-four
10 Thousand Three Hundred Seventy-five Dollars (**\$134,375**) is appropriated
11 from the General Fund to the Government of Guam Retirement Fund for *I*
12 *Maga'lahi* and *I Segundu Na Maga'lahi/I Segundu Na Maga'haga* pensions.

13 (j) For Fiscal Year 2007, the sum of Five Hundred Thousand Two
14 Hundred Twenty-four Dollars (**\$500,224**) is appropriated from the General
15 Fund to the Government of Guam Retirement Fund for retirement annuities
16 for former Guam Superior Court Judges and Guam Supreme Court Justices.

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

21 **Section 2. Survivor Supplemental Annuity Additions.** Title 4
22 GCA §8135(d)(6) is *amended* to read:

23 “(6) the prospective payment of supplemental benefits
24 for the period of October 1, 2006, through September 30, 2007,
25 for survivors of those employees who retired *prior* to October
26 1, 1995, to be paid in the following manner:

1 (i) Four Thousand Two Hundred Thirty-eight Dollars
2 (\$4,238.00) in Retiree Supplemental Annuity
3 Benefits, known as the sum of One Thousand Two
4 Hundred Dollars (\$1,200.00), One Thousand five
5 Hundred Dollars (\$1,500.00), Seven Hundred
6 Dollars (\$700.00), and Eight Hundred Thirty-eight
7 Dollars (\$838.00) in annual benefits formerly
8 contained in various General Appropriation Acts.

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

20 **Section 3. Disability Supplemental Annuity Additions.** Title 4

21 GCA §8129(g) is *amended* to read:

22 “(g) Any disability retirement annuitant who commenced
23 receiving a disability retirement annuity *prior* to October 1,
24 1995, and who is entitled to disability retirement benefits under
25 this Chapter shall receive, during the period commencing on
26 October 1, 2006, and ending on September 30, 2007,

1 prospective non-cumulative supplemental annuity benefits as
2 follows:

3 (1) Four Thousand Two Hundred Thirty-eight
4 Dollars (\$4,238.00) in Retiree Supplemental
5 Annuity Benefits, known as the sum of One
6 Thousand Two Hundred Dollars
7 (\$1,200.00), One Thousand Five Hundred
8 Dollars (\$1,500.00), Seven Hundred Dollars
9 (\$700.00), and Eight Hundred Thirty-eight
10 Dollars (\$838.00) in *annual* benefits
11 formerly contained in various General
12 Appropriation Acts.

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

1 **Section 4. Retirees Supplemental Annuity Additions.** Title 4
2 GCA §8122(d)(6), is hereby *amended* to read:

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

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

19 (ii) *No* persons eligible for Retiree
20 Supplemental Annuity Benefits provided for
21 in Paragraph (6) of this Section shall receive
22 such benefit *if* their regular annual
23 retirement annuity *prior* to the supplemental
24 amounts herein, but *excluding* survivor
25 benefits, is more than Forty Thousand
26 Dollars (\$40,000.00). Persons eligible for
27 Retiree Supplemental Annuity Benefits shall

1 *only* receive an amount of such benefits up
2 to the total aggregate sum of Forty
3 Thousand Dollars (\$40,000.00) in combined
4 retirement annuities and supplemental
5 retirement annuities and *not more.*”

6 **Section 5. Appropriation for Cost of Living Allowance**
7 **(COLA).** (a) *I Maga’lahen Guåhan* is authorized to give a “Cost of Living
8 Allowance” (COLA) of One Thousand One Hundred Dollars (\$1,100) per
9 annuitant of the Government of Guam Retirement Fund who is receiving an
10 annuity as of September 30, 2006.

11 (b) The sum of Seven Million Dollars (**\$7,000,000**) is appropriated
12 from the General Fund to the Department of Administration for Government
13 of Guam retirees’ Cost of Living Allowance to be paid in Fiscal Year 2007.

14 **Section 6. Street Light Fund.** (a) The sum of Three Million Nine
15 Hundred Twelve Thousand Nine Hundred Twenty-seven Dollars
16 (**\$3,912,927**) is appropriated from the Street Light Fund to the Department
17 of Public Works for payment to the Guam Power Authority for the
18 installation and operation of public streetlights in Fiscal Year 2007.

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

22 **Section 7. Worker’s Compensation Fund.** (a) The sum of Nine
23 Hundred Thirty Thousand Dollars (**\$930,000**) is appropriated from the
24 General Fund to the Department of Labor for the Worker’s Compensation
25 Fund for Fiscal Year 2007. This appropriation shall be used for worker’s
26 compensation payments for the purposes set forth in Title 22 G.C.A. §9144
27 to pay worker’s compensation claims made by employees of the government

1 of Guam, including outstanding prior years' obligations and future
2 obligations.

3 (b) The appropriation made in this Section may be used to pay for
4 medical, surgical, and other treatment; nurses; hospital services; medical
5 travel and per diem costs; medicine; crutches; and apparatus required by the
6 claimant for such period as the nature of the injury, or the process of
7 recovery, may require.

8 (c) The appropriation made in this Section shall *not* be expended
9 for disability compensation payments for FTE's funded by this Act.

10 (d) The Director of Labor is authorized to spend *up to* Forty
11 Thousand Dollars (\$40,000) from this appropriation to pay for legal services
12 for worker's compensation hearings for Fiscal Year 2007.

13 **Section 8. Government Claims Fund. (a)** The sum of One
14 Hundred Thousand Five Hundred Ninety-eight Dollars (**\$100,598**) is
15 appropriated from the General Fund to the Department of Administration for
16 the Government Claims Fund for payment of eligible and approved
17 Government Claims for Fiscal Year 2007.

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

23 **Section 9. Residential Treatment Fund. (a)** The sum of One
24 Million Four Hundred Seventy-eight Thousand Six Hundred Twenty-six
25 Dollars (**\$1,478,626**) is appropriated from the General Fund to the
26 Department of Administration ("DOA") in Fiscal Year 2007 to pay
27 authorized expenses for persons under the jurisdiction of the Superior Court

1 of Guam who require residential care because of physical, mental or
2 emotional disabilities or severe emotional disturbance. All such persons and
3 their escorts referred off Guam for treatment and care shall submit to the
4 Director of Administration supporting documents to justify reimbursement
5 of their authorized travel expenses.

6 (b) The Director of Administration shall submit a report to *I*
7 *Maga'lahaen Guåhan* and the Speaker of *I Liheslaturan Guåhan* a report
8 containing a full disclosure of all expenditures of this appropriation *no later*
9 *than* thirty (30) days after the close of each quarter of the fiscal year and post
10 the same on the DOA website.

11 **Section 10. Government of Guam's General Purpose Financial**
12 **Statement and Single Audit Report.** The sum of Three Hundred Four
13 Thousand One Hundred Ten Dollars (**\$304,110**) is appropriated from the
14 General Fund to the Department of Administration for the Fiscal Year 2006
15 Audit of the Government of Guam's General Purpose Financial Statement
16 and the Single Audit Report. The Office of the Public Auditor shall
17 administer said funds and shall oversee the annual audit.

18 **Section 11. Guam Territorial Band.** The sum of Twenty-five
19 Thousand Dollars (**\$25,000**) is appropriated from the Tourist Attraction
20 Fund to the Guam Council on the Arts and Humanities for the Guam
21 Territorial Band in Fiscal Year 2007.

22 **Section 12. Appropriations to the Judiciary. (a)** The sum of
23 Twenty Million One Hundred Seventy-two Thousand Eight Hundred Thirty-
24 eight Dollars (**\$20,172,838**) is appropriated from the General Fund to the
25 Judiciary for its operations in Fiscal Year 2007.

1 **(b)** The sum of Three Hundred Eleven Thousand Nine Hundred
2 Twenty-six Dollars (**\$311,926**) is authorized from Federal Matching Grants-
3 in-Aid to the Judiciary to spend for its operations in Fiscal Year 2007.

4 **Section 13. Court-Appointed Attorney Fees.** The sum of Seven
5 Hundred Thousand Dollars (**\$700,000**) is appropriated from the General
6 Fund for Fiscal Year 2007 to the Judiciary, for the *sole* purpose of paying
7 court-appointed attorney fees related to the legal defense of indigent people.
8 Such funds shall be deposited into the Judicial Client Services Fund account,
9 as created by Title 7 G.C.A. Division One, Chapter 9.6, and shall *not* be
10 subject to any transfer authority.

11 **Section 14. Adult and Juvenile Drug Courts.** The sum of Five
12 Hundred Sixteen Thousand Two Hundred Fifty-four Dollars (**\$516,254**) is
13 appropriated from the General Fund to the Judiciary for the operational costs
14 of the Adult and Juvenile Drug Courts for Fiscal Year 2007.

15 **Section 15. Family Visitation Center.** Notwithstanding any other
16 provision of law, the sum of One Hundred Forty Thousand Dollars
17 (**\$140,000**) is appropriated from the Safe Streets Fund, for Fiscal Year 2007,
18 to the Judiciary to pay for contractual services for the operation of the
19 Family Visitation Center, *provided*, that the court first complies with Title
20 16 GCA §18125 (c) and (d) and Title 7 GCA §9211 (b).

21 **Section 16. I Liheslaturan Guåhan Operations.** The sum of Six
22 Million Eight Hundred Thirty-three Thousand Five Hundred Forty-six
23 Dollars (**\$6,833,546**) is appropriated from the General Fund to *I*
24 *Liheslaturan Guåhan* for its operations, including personnel services.

25 **Section 17. Appropriation to the Office of Finance and Budget.**
26 The sum of Five Hundred Five Thousand Six Hundred Thirty-four Dollars
27 (**\$505,634**) is appropriated from the General Fund to *I Liheslaturan Guåhan*,

1 specifically for the operations of the Office of Finance and Budget (OFB)
2 including personnel services.

3 **Section 18. Appropriations to the Guam Visitors Bureau.** The
4 sum of Fourteen Million Nine Hundred Eighty-seven Thousand Seven
5 Hundred Twenty-seven Dollars (**\$14,987,727**) is hereby appropriated from
6 the Tourist Attraction Fund (TAF) to the Guam Visitors Bureau (GVB) for
7 the following, which includes Operations and Personnel Services, for the
8 period October 1, 2006 through September 30, 2007:

9 **(a) General Appropriations**

10	(1) General Administration	
11	(A) Personnel	\$1,498,196
12	(B) Printing, Admin	\$14,400
13	(C) Equipment Rental	\$66,000
14	(D) Building Maintenance	\$80,373
15	(E) Warehouse Storage	\$30,000
16	(F) Postal Service	\$10,000
17	(G) Legal Fees	\$50,000
18	(H) Janitorial Services	\$15,000
19	(I) Computer Maintenance	\$20,000
20	(J) Travel Promotional Souvenirs	\$15,000
21	(K) Security Systems	\$1,300
22	(L) Garbage Collection	\$6,000
23	(M) Supplies and Materials	\$10,000
24	(N) Staff Development Fund	\$2,500
25	(O) Dues and Assessment	\$39,595
26	(P) Utilities	\$118,363
27	(Q) Capital Outlay	\$20,000

1	(R) Audit Fees	\$18,000
2	General Administration Subtotal	\$2,014,727
3	(2) Marketing	
4	(A) Japan	\$6,800,000
5	(B) Korea	\$1,325,000
6	(C) Hong Kong	\$175,000
7	(D) China	\$75,000
8	(E) Taiwan	\$350,000
9	(F) Philippines	\$100,000
10	(G) Pacific	\$75,000
11	(H) North America/Armed Forces	\$275,000
12	(I) Australia/Europe	\$75,000
13	Marketing Subtotal	\$9,250,000
14	(3) Printing / Promotional	\$500,000
15	(4) Research	\$373,000
16	(5) Cultural Heritage	\$400,000
17	(6) Community Development	\$155,000
18	(A) VIEC	\$25,000
19	(B) GCC Lodging Mgmt./ProStart	\$20,000
20	(7) Sports Tourism	\$500,000
21	(8) Tourist Industry Relations	\$350,000
22	General Appropriations Total	\$13,587,727

23 (b) **Special Projects.** The sum of One Million Four Hundred
24 Thousand Dollars (\$1,400,000) is for the following special projects:

1 (1) The sum of Three Hundred Thousand Dollars
2 (\$300,000) for the Tumon and Agana Beach
3 Cleaning and Maintenance project.

4 (A) The contract for the Tumon and Agana
5 Beach Cleaning and Maintenance project shall
6 require the contractor to acquire the following
7 permits before the government releases any funds
8 to it pursuant to said contract, from these agencies:
9 401 Water Quality Permit and Solid Waste Permit
10 from the Guam Environmental Protection Agency;
11 a Historic Preservation Permit from the Historic
12 Preservation Office, Department of Parks and
13 Recreation; a Clearing and Grading Permit from
14 the Department of Public Works; a Seashore
15 Clearance Permit from the Guam Seashore
16 Protection Commission; and a Marine Preserve
17 Permit, from the Department of Agriculture.

18 (2) The sum of Four Hundred Thousand Dollars
19 (\$400,000) for the Tumon Landscaping
20 Maintenance project.

21 (3) The sum of Three Hundred Fifty Thousand Dollars
22 (\$350,000) for the Islandwide Roadways
23 Beautification project.

24 (4) The sum of One Hundred Thousand Dollars (\$100,000)
25 for the Tumon Holiday Illumination project.

1 (5) The sum of Fifty Thousand Dollars (\$50,000) for the
2 planning and design of the proposed Guam Museum.

3 (6) The sum of One Hundred Thousand Dollars (\$100,000)
4 for the operations of *Gef Pa'go*.

5 (7) The sum of One Hundred Thousand Dollars (\$100,000)
6 for the operations of *Pa'a Taotao Tano*.

7 (c) **Guam Visitors Bureau Transfer Authority.** The Guam
8 Visitors Bureau Board of Directors may exercise *limited* transfer authority
9 over the appropriation in Subsection (a) hereof as follows: 1) Transfers may
10 be made between items of appropriation listed in Subsection (a)(1),
11 “General Administration”, with the exception noted in Subsection (c)(2); 2)
12 *No* transfers shall be made into or out of the Personnel Services category; 3)
13 Transfers may be made between items listed under Subsection (a)(2)
14 “Marketing”.

15 (d) **GVB Administrative Provisions.**

16 (1) The appropriations made in Subsections (a) and (b)
17 hereof shall *not* be expended for any other purpose *except*
18 as authorized in Subsection (c).

19 (2) *No* transfer is authorized from the appropriations made in
20 this Section other than those authorized by Subsection
21 (c).

22 (3) Unless otherwise authorized by this Act, the
23 appropriations from the Tourist Attraction Fund (TAF)
24 contained herein shall be used *solely* for the purposes
25 described herein and shall *not* be subject to any transfer
26 authority by *I Maga'lahren Guåhan*.

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

5 **Section 19. Mayors Council of Guam Operations.** (a) The sum
6 of Seven Million Five Hundred Fifty-six Thousand One Hundred Twelve
7 Dollars (**\$7,556,112**) is appropriated from the General Fund to the Mayors'
8 Council of Guam for personnel services, operations and utilities for Fiscal
9 Year 2007.

10 (b) **Village Streets Maintenance and Beautification.** The sum of
11 One Million Five Hundred Thousand Dollars (**\$1,500,000**) is appropriated
12 from the General Fund to the Mayors Council of Guam for Fiscal Year 2007
13 for the maintenance and beautification of village secondary and tertiary
14 roads and other operational requirements. Such funds shall *not* be subject to
15 any transfer authority of *I Maga'laha*

16 *Guåhan*. The Fund shall be divided among the Village Mayors as
17 follows:

18 (1) Each Mayor shall receive the sum of Twenty Thousand
19 Dollars (**\$20,000**); and

20 (2) The remaining balance of the fund shall be distributed to
21 each Mayor on a *pro rata* basis based on the total local
22 road mileage in each village as a percentage of the total
23 local road mileage in the 1998 Local Road Inventory of
24 the Department of Public Works.

25 (c) The sum of Three Hundred Eighty Thousand Dollars
26 (**\$380,000**) is appropriated from the General Fund to the Mayors Council of
27 Guam, for Fiscal Year 2007, to be expended, in accordance with plans

1 approved by the Village Municipal Planning Council and filed with the
2 Director of Administration, on public safety and social education programs
3 that enforce alcohol regulations, reduce underage drinking, support traffic
4 safety, reduce drug-related violence and abuse and to support government of
5 Guam substance abuse prevention programs.

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

16 (e) The appropriation in Subsection (a) hereof shall provide for the
17 rental of office space for the Mayors of Inarajan and Piti.

18 **Section 20. Island-wide Village Beautification Projects.** (a) The
19 sum of Seven Hundred Twenty-seven Thousand Three Hundred Eighty-five
20 Dollars (**\$727,385**) is appropriated from the Tourist Attraction Fund to the
21 Guam Visitors Bureau to fund the Mayors Council of Guam island-wide
22 village beautification projects. For purposes of this Section, beautification
23 projects shall include: 1) the maintenance and cleaning of the public
24 restrooms at the following parks: the Talofofa Beach Park; Inarajan Pool;
25 Malesso Pier Park; Fort Soledad Park; Nimitz Beach Park; Tanguisson
26 Beach Park; Padre Palomo Beach Park; and Tagachang Beach Park as
27 provided for by a Memorandum of Understanding between each appropriate

1 village Mayor and the Department of Parks and Recreation; 2) the
2 maintenance and upkeep of each village's main roads; and 3) the planting
3 and maintenance of each village's official flower and other flowering plants,
4 shrubs and trees alongside each village's main roads, public restrooms and
5 recreational facilities. Each village's mayor may contract for the services
6 necessary to carry out the intent of this Section subject to the Guam
7 Procurement Law, Title 5 G.C.A. Chapter 5.

8 The Guam Visitors' Bureau shall *not* release any funds from this
9 appropriation to the Mayors' Council until project plans are reviewed and
10 approved by the Council and the GVB Board.

11 **(b)** The sum of Thirty-five Thousand Dollars (\$35,000) from the
12 appropriation in Subsection **(a)** hereof shall be available to the Guam
13 Visitors Bureau for administrative support and coordination regarding its
14 obligations under this Section.

15 **Section 21. Appropriation to Office of the Public Auditor. (a)**
16 The sum of One Million One Hundred Two Thousand Seven Hundred
17 Thirty-one Dollars **(\$1,102,731)** is appropriated from the General Fund to
18 the Office of the Public Auditor for its operations, including personnel costs,
19 for Fiscal Year 2007.

20 **(b)** The sum of One Hundred Thirty-four Thousand Fourteen
21 Dollars **(\$134,014)** is appropriated from the General Fund to the Office of
22 the Public Auditor to fund its Procurement Appeals Division for Fiscal Year
23 2007.

24 **Section 22. Public Defender Services Corporation.** The sum of
25 Two Million Eight Hundred Seventy-five Thousand Four Hundred Eighteen
26 Dollars **(\$2,875,418)** is appropriated from the General Fund to the Public
27 Defender Services Corporation for its operations in Fiscal Year 2007.

1 **Section 23. Department of Agriculture – Animal Shelter.** The
2 sum of Fifty Thousand Dollars (**\$50,000**) is appropriated from the General
3 Fund to the Department of Agriculture to fund a contract to manage and
4 operate the Yigo Animal Shelter.

5 **Section 24.** The sum of Fifty Thousand Dollars (**\$50,000**) is
6 appropriated to the Office of the Mayor, District of Yigo, for the repair and
7 renovation of the Yigo Baseball Field; and the sum of Fifty Thousand
8 Dollars (**\$50,000**) is appropriated to the Office of the Mayor, District of
9 Agat, for the repair of the Agat Basketball Court and the Agat Tennis Court.
10 All amounts are appropriated from the General Fund, and the appropriation
11 to the *I Lehislaturan Guåhan* as detailed in Section 16, Part II Chapter IV
12 shall be reduced by \$100,000.

13 **Section 25. Training of Government Accountants.** The
14 Department of Administration’s Fiscal Year 2007 appropriation shall
15 include the sum of Twenty-five Thousand Dollars (\$25,000) to fund the
16 training and continuing education of government public accountants with an
17 emphasis on performance based budgeting.

18 **Section 26. Youth Runaway and Homeless Program.** *I*
19 *Maga’lahen Guåhan* shall transfer the sum of One Hundred Fifty Thousand
20 Dollars (\$150,000) from the funds appropriated in Section 2(d), Part I of this
21 Chapter to the Department of Youth Affairs (DYA) to fund programs
22 contracted out to non-governmental organizations for youths who are
23 runaways, homeless, or victims of abuse.

24 **Section 27. Prior Years Power Billings.** Of the amount
25 appropriated in Section 1, Part I of Chapter IV, the sum of Seven Hundred
26 Thousand Dollars (\$700,000) is appropriated to the Department of Public

1 Works for the payment of prior years street light billings to the Guam Power
2 Authority.

3 **Section 28. Appropriations made to the Office of *I Segundu Na***
4 ***Maga'lalen Guåhan* and the Guam State Clearing House.** From the
5 sums appropriated from the General Fund pursuant to Section 1 of Chapter
6 IV, Part I of this Act, *I Maga'lalen Guåhan* shall expend the sum of One
7 Million Four Hundred Sixty Thousand Nine Hundred Seventy-eight Dollars
8 (\$1,460,978) as follows:

9 (a) The Sum of One Million One Hundred Thirty-five
10 Thousand Nine Hundred Seventy-eight Dollars
11 (\$1,135,978) shall be used for the operations of the Office
12 of *I Segundu Na Maga'lalen Guåhan*, of which one
13 quarter, or the sum of Two Hundred Eighty-three
14 Thousand Nine Hundred Ninety-five Dollars (\$283,995)
15 shall be released for the period beginning October 1, 2006
16 to December 31, 2006;

17 (b) The Sum of Three Hundred Twenty-five Thousand Dollars
18 (\$325,000) shall be used for the operations of the Guam
19 State Clearinghouse, of which one quarter, or the sum of
20 Eighty-one Thousand Two Hundred-fifty Dollars
21 (\$81,250) shall be released for the period beginning
22 October 1, 2006 to December 31, 2006.

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

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

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

21 **Section 3. Government of Guam Retirement Fund Rate of**
22 **Contribution.** In accordance with §8137(e) of Article 1, Chapter 8 of Title
23 4 of the Guam Code Annotated, in each fiscal year beginning with Fiscal
24 Year 2007 and continuing through Fiscal Year 2011, the government's rate
25 of contribution to the Government of Guam Retirement Fund shall annually
26 increase by *no less than* 0.84% in order to reach the contribution rate of 26%
27 or the actuarial recommended contribution rate.

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

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

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

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

1 **Section 6. Contracts Exceeding Funds Restriction.** No agency
2 shall contract to spend, or enter into an agreement to spend, any money in
3 *excess* of the amount allotted to the agency by BBMR. Any contract or
4 agreement in violation of this provision shall be void.

5 Any agency head or certifying officer who knowingly contracts to
6 spend, or enters into an agreement to spend, any money in *excess* of the
7 amount allotted by BBMR to the agency for the contract or agreement shall
8 be guilty of a misdemeanor.

9 **Section 7. Limited-Term Appointment Moratorium.** For Fiscal
10 Year 2007, notwithstanding §4102 of Title 4 of the Guam Code Annotated,
11 or any other provision of law, *no* person may be employed on a temporary or
12 limited-term basis by an instrumentality of the government of Guam, *except*
13 for the following:

- 14 (a) Certified persons in the Guam Public School System as
15 identified in Subsection (12) of §715 of Chapter 7 of Title 1 of
16 the Guam Code Annotated;
- 17 (b) Attorneys at the Department of Law (within staffing pattern
18 funding levels);
- 19 (c) Nurses and doctors (within staffing pattern funding levels);
- 20 (d) Temporary survey workers employed by the Department of
21 Labor and the Bureau of Statistics and Plans for the purpose of
22 conducting employment surveys (within staffing pattern
23 funding levels);
- 24 (e) Licensed healthcare professionals and other ancillary service
25 personnel employed at the Guam Memorial Hospital Authority,
26 the Department of Mental Health and Substance Abuse, and the

1 Department of Public Health and Social Services (all within
2 staffing pattern funding levels);

3 (f) Academic personnel positions at the University of Guam and
4 the Guam Community College (within their appropriated
5 funding levels);

6 (g) Substitute school bus drivers;

7 (h) Persons filling temporary vacancies created by the call to active
8 military duty of employees who are members of the reserve
9 components of the Department of Defense and the Department
10 of Transportation including, *but not limited to*, the United States
11 Army, United States Navy, United States Marine Corps, United
12 States Air Force, the Army National Guard, the Air National
13 Guard, and the United States Coast Guard;

14 (i) Federally-funded positions (matching and up to 100%); and

15 (j) Temporary Solid Waste Technicians employed by the Division
16 of Solid Waste Management of the Department of Public
17 Works for the purpose of collecting residential solid waste.

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

22 (a) Certified persons in the Guam Public School System as
23 identified in Subsection (12) of §715 of Chapter 7 of Title 1 of
24 the Guam Code Annotated;

- 1 (b) Academic personnel positions at the University of Guam and
2 the Guam Community College;
- 3 (c) Nurses, doctors, licensed health professionals and ancillary
4 health employees necessary for clinical purposes at the
5 Department of Public Health and Social Services, the
6 Department of Mental Health and Substance Abuse, the Office
7 of the Chief Medical Examiner, the Guam Memorial Hospital
8 Authority, the Guam Police Department, and the Department of
9 Integrated Services for Individuals with Disabilities;
- 10 (d) Department of Labor Survey Workers;
- 11 (e) Systems and Programming Administrator, Junior Systems
12 Programmer, Senior Programmer Analyst, Junior Application
13 Analyst, Junior Programmer Analyst and Junior Application
14 Programmer at the Department of Revenue and Taxation;
- 15 (f) Federally-funded positions (matching and up to 100%); and
- 16 (g) Persons filling temporary vacancies created by the call to active
17 military duty of employees who are members of the reserve
18 components of the Department of Defense and the Department
19 of Transportation including, *but not limited to*, the United States
20 Army, United States Navy, United States Marine Corps, United
21 States Air Force, the Army National Guard, the Air National
22 Guard, and the United States Coast Guard.

23 This Section does *not* apply to employees of the Office of *I*
24 *Maga'lahaen Guåhan*, the Office of *I Segundu Na Maga'lahaen Guåhan* and
25 the Guam State Clearing House and department or agency heads, deputies
26 and a private secretary.

1 **Section 9. Independent Contractors.** The Office of *I Maga'lahi*,
2 the Office of *I Segundu Na Maga'lahaen Guåhan* and the Guam State
3 Clearing House may enter into agreements with independent contactors
4 pursuant to Guam procurement laws.

5 **Section 10. Monthly Reports of Medical Referral Offices.** Each
6 of the Guam Medical Referral Offices funded by this Act shall provide
7 monthly reports on its activities and expenditures. Each report shall include,
8 *but not be limited to*, the following:

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

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

21 **Section 11. Amendment of Item (1) of Subsection (b) of §4117 of**
22 **Chapter 4 of Title 5 Guam Code Annotated.** Item (1) of Subsection (b) of
23 §4117 of Chapter 4 of Title 5, Guam Code Annotated, is *amended* to read:

24 “Equipment, such as loader trucks, tractors, trailers,
25 automobiles or other vehicles; machinery; reference books; filing
26 cabinets, typewriters, computers, microcomputers and printers,
27 facsimile machines, adding and calculating machines, other business

1 machines and office equipment; and tools, implements and
2 instruments which may be used continuously without material change
3 in physical condition and having a useful life of one (1) year or longer
4 and cost *not less than* Five Thousand Dollars (\$5,000.00);”

5 **Section 12. Environmental Health Fund.** The Department of
6 Public Health and Social Services (DPHSS) is authorized to expend up to
7 the level of revenues deposited in the Environmental Health Fund for the
8 operations of the Environmental Health Division of the DPHSS in Fiscal
9 Year 2007. In addition, the Controlled Substance Diversion Fund is to be
10 maintained as a Special Fund for the Division of Environmental Health to
11 support its efforts to implement activities and/or services related to the
12 monitoring of dispensing of controlled substances. The unexpended balance
13 of the Environmental Health Fund and the Controlled Substance Diversion
14 Fund for Fiscal Year 2006 shall *not* revert back but shall be carried over into
15 Fiscal Year 2007. Funds appropriated hereunder shall *not* be subject to the
16 transfer authority of *I Maga’lahen Guåhan*.

17 **Section 13. Volunteers and Donations for Skinner Plaza, Plaza**
18 **De Espana and Guam Congress Building.** Notwithstanding any provision
19 of law to the contrary, the Executive Director or Acting Executive Director
20 of *I Liheslaturan Guåhan* is authorized to receive donations, inclusive, but
21 *not* restricted to, donations of goods, materials and services, for the purpose
22 of maintaining and improving Skinner Plaza, the Plaza De Espana, and the
23 Guam Congress Building (otherwise known as the Old Legislative
24 Building).

25 **Section 14. Contracts. (a)** *Except* for positions filled in
26 accordance with the merit system at the University of Guam, the Guam
27 Community College, the Guam Public School System, the Judiciary of

1 Guam, the Department of Law, the Guam Police Department, *I Liheslaturan*
2 *Guåhan*, and licensed health professionals at the Guam Memorial Hospital,
3 the Department of Public Health and Social Services and the Department of
4 Mental Health and Substance Abuse, positions in the classified and
5 unclassified service shall *not* be filled pursuant to a contractual arrangement.

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

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

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

1 **Section 15. Temporary Employment of Retired Corrections**
2 **Officers.** Notwithstanding §8121(a) of Chapter 8 of Title 4 of the Guam
3 Code Annotated, the Department of Corrections may hire retired Guam
4 Corrections Officers when a critical need arises. Retired corrections officers
5 hired under this Section may receive their retirement annuity while
6 employed on this temporary basis. Officers may *only* be hired under this
7 Section to fill positions left vacant because of military activation of
8 corrections officers filling those positions and shall be terminated when the
9 incumbent returns from military service. Retired officers may be hired *only*
10 in the ranks of Corrections Officers Supervisor I and at Step I only, and shall
11 *not* be entitled to sick and annual leave. Officers hired under this Section
12 shall first pass requirements, e.g. no criminal conviction, for the position for
13 which they are being considered *except* for written examinations, and the
14 Director of Corrections shall certify that every retiree hired is fit for duty.

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

22 **Section 17. Pledge of Revenues.** The effective date of §1513(d) of
23 Article 5 of Chapter 1 of Division 1 of Title 5 Guam Code Annotated is
24 Fiscal Year 2008.

25 **Section 18. Medicare Prior Year Reimbursements.** Medicare
26 Prior Year reimbursements (FY 2005 and FY 2006) from appropriations

1 made in this Act shall be paid in a lump sum by the Government of Guam
2 Retirement Fund.

3 **Section 19. Continuing Appropriation for the Judiciary of**
4 **Guam.** The appropriations made to the Judiciary of Guam pursuant to §§25,
5 26, 27, 28 and 29 of Chapter III of Public Law 28-68 shall continue until all
6 sums appropriated therein are expended.

7 **Section 20. Transfer Authority of the Judiciary of Guam.** The
8 Unified Judiciary of Guam is authorized to transfer funds between Fiscal
9 Year 2007 Judicial Branch appropriations.

10 **Section 21. Continuing Appropriation for *I Liheslaturan***
11 ***Guåhan.*** The unexpended balance of funds appropriated to *I Liheslaturan*
12 *Guåhan* for Fiscal Year 2006 is available to *I Liheslaturan Guåhan* for
13 expenditures in Fiscal Year 2007.

14 **Section 22. Continuing Appropriation for the Office of Finance**
15 **and Budget.** The unexpended balance of funds appropriated to *I*
16 *Liheslaturan Guåhan* for the Office of Finance and Budget for Fiscal Year
17 2006 is available to *I Liheslaturan Guåhan* and the Office of Finance and
18 Budget for expenditures in Fiscal Year 2007.

19 **Section 23. Continuing Appropriation for Mayors Council of**
20 **Guam.** The appropriation made to the Mayors Council of Guam pursuant to
21 §32 of Chapter III of Public Law 28-68 shall continue until all sums
22 appropriated therein are expended.

23 **Section 24. Corrections Officers – Hazardous Pay Amendment.**
24 §6222(b) of Article 2 of Chapter 6 of Title 4 Guam Code Annotated is
25 *amended* to read:

1 “(b) Any marshal, probation officer, or alternative sentencing
2 officer of the Judiciary is eligible to receive hazardous pay for any
3 duty considered to be under hazardous conditions as specified by the
4 Superior Court of Guam’s Personnel Rules and Regulations, provided
5 that “hazardous conditions” shall *not* include the customary, ordinary,
6 or routine duties of marshals, probation officers and alternative
7 sentencing officers, except for the following:

8 (1) providing security for a Justice, Judge or Referee
9 so long as such Justice, Judge or Referee and the
10 Administrator of the Courts certify that such duty
11 exposed the employee to potentially dangerous
12 circumstances;

13 (2) providing security at a Family Visitation Center;
14 or

15 (3) performing work-related duties involving exigent
16 circumstances resulting in (A) imminent danger of
17 bodily injury to the employee or others; or (B)
18 exposure to potentially dangerous circumstances.
19 The existence of such circumstances must be
20 certified by the Marshal of the Courts and the
21 Administrator of the Courts as to Marshals or by
22 the Chief Probation Officer and the Administrator
23 of the Courts as to Probation Officers and
24 Alternative Sentencing Officers.”

25 **Section 25. GFD Promotions Carry-Over Authorization.** The
26 appropriation made in §22, Part II, Chapter II of Public Law 28-68 shall

1 continue into Fiscal Year 2007 for the purpose of funding the promotions of
2 the Guam Fire Department's uniformed personnel.

3 **Section 26. Continuing Appropriation for the Guam Police**
4 **Department.** The appropriation made to the Guam Police Department
5 pursuant to §12(a), (b) and (c) of Chapter IV of Public Law 27-106 for the
6 personnel, supplies and equipment costs associated with the recruitment and
7 hiring of sixty-eight (68) recruits shall continue until all sums appropriated
8 therein are expended.

9 **Section 27. Deappropriation of Funds Amendment.** Section 3 of
10 Chapter V of Public Law 28-68 is hereby *amended* to read:

11 **“Section 3. Deappropriation of Funds.** Failure to comply
12 with reporting requirements as mandated in this Act, after the forty-
13 fifth (45th) day from the original report due date, shall result in the
14 automatic deappropriation of funds of five percent (5%) of the
15 appropriations made to the non-compliant entity for EACH
16 requirement not met. This Section shall *not* apply when the island is
17 declared to be in Condition of Readiness One or when *I Maga'lahi*
18 has declared a state of emergency. The Public Auditor shall certify the
19 deappropriation and report it to *I Maga'lahaen Guåhan* and the
20 Speaker of *I Liheslaturan Guåhan*. The Bureau of Budget and
21 Management Research shall adjust the appropriation/allotment to
22 effectuate any deappropriation and submit a report of such
23 deappropriation(s) along with copies of the appropriation/allotment
24 modification to the Speaker of *I Liheslaturan Guåhan*. This Section
25 shall become effective on July 1, 2006, the beginning of the fourth
26 quarter of Fiscal Year 2006.”

1 **Section 28. Restoration of Funds Previously Deappropriated.**

2 To prevent interruption in the administrative business of the government and
3 critical public services, funds deappropriated in accordance to Section 3 of
4 Chapter V of Public Law 28-68 prior to July 1, 2006 are hereby restored to
5 the respective agencies to which they were originally appropriated. The
6 Director of the Bureau of Budget and Management Research shall
7 immediately effectuate the restoration of funds to said agencies.

8 **Section 29. Health Care Service Provider.**

9 **(a) Offset Against Gross Receipts Taxes for Past Due**

10 **MIP Billings.** (1) A health care service provider that renders services
11 and products to recipients of the Medically Indigent Program shall be
12 entitled to an offset equal to the value of services provided against the
13 total Gross Receipts Taxes the provider owes for any given month.
14 The value for services, equipment and prescriptions shall be the
15 Medically Indigent Program rates for the actual amount of any and all
16 clean claims that are filed and approved by the government.

17 (2) Non-payment of clean claims owed for health care,
18 medical services or supplies which remain unpaid by the
19 government for a period of over ninety (90) days from the due
20 date as invoiced shall qualify health care service providers with
21 the Gross Receipts Tax incentives provided herein.

22 (3) Any unused offset against total Gross Receipts
23 Taxes owed for any given month *not* used in the current tax
24 period may be carried over into subsequent tax periods until
25 such offset is exhausted.

26 (4) The total offset against total Gross Receipts Taxes
27 owed for any given month pursuant to this Act shall *not* exceed

1 the actual dollar amount of that expenditure on the service,
2 equipment, supplies and prescription by a health care service
3 provider.

4 (5) The government shall *not* be obligated to make
5 payments to vendors for services in which an offset against
6 total Gross Receipts Taxes owed for any given month has been
7 exercised.

8 (6) Any health care service provider that renders
9 services and products entitled to an offset against Gross
10 Receipts Taxes owed must “participate” and provide services to
11 recipients of the Medically Indigent Program in order to qualify
12 for any offsets against the total Gross Receipts Taxes owed for
13 any given month. The term “participate” in this Subsection is
14 defined as meeting a ten percent (10%) quota of the cumulative
15 number of patients or clients serviced in a given month who are
16 recipients of the Medically Indigent Program.

17 (7) “*Health Care Service Provider*”, for the purpose of
18 this Act, shall mean any business providing medical equipment
19 or supplies; pharmaceutical health care services and products;
20 medical health care services; dental health care services;
21 behavioral health care services; and allied health care services,
22 including a clinic, hospital, specialized health care facility,
23 licensed practitioner, hospital, health care provider or business
24 that is licensed under the laws of Guam and recognized by the
25 Medically Indigent Program in providing medical and health
26 care assistance, products or services to recipients of the
27 Medically Indigent Program.

1 **(b) Reimbursements.** The Department of Revenue and
2 Taxation shall be reimbursed for all reductions in GRT collections as
3 a result of Gross Receipts Tax offsets. The Department of Revenue
4 and Taxation shall assess the DPHSS or other government agency
5 responsible for the amount of the tax offset taken by the vendor.

6 **(c) Coordination.** In order to avoid double
7 compensation to vendors, the Director of Revenue and Taxation shall
8 immediately notify the Department of Administration and the
9 respective department or agency when a health care service provider
10 files for an offset to Gross Receipts Taxes owed because of the non-
11 payment of Medically Indigent Program approved claims.

12 **(d) Administrative Rules and Regulations.** The Director of
13 Revenue and Taxation shall, pursuant to the Administrative
14 Adjudication Law, enact rules and regulations to implement this
15 Section within ninety (90) days after enactment hereof.

16 **Section 30. Locum Tenens Exemption during the Absence of the**
17 **Chief Medical Examiner.** The Office of the Chief Medical Examiner is
18 exempt from the government of Guam Procurement Law for securing the
19 professional services of a qualified medical examiner during the absence of
20 the Chief Medical Examiner from his duties.

21 **Section 31. Real Property Tax Moratorium on Returned**
22 **Federal Excess Lands to Original Owners Continuation.** Section 75 of
23 Chapter IV of Public Law 28-68 is hereby *amended* to read:

24 **“Section 75. Real Property Tax Moratorium on Returned**
25 **Federal Excess Lands to Original Owners.** (a) A moratorium on
26 the payment of real property taxes shall be in effect until and
27 throughout tax year 2007, on the estates of the original land owners on

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'lahren Guåhan.*** The appropriations made to the
24 Office of *I Segundu Na Maga'lahren 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;

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

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’lahen 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.