


INA'BENTE OCHO NA LIHESLATURAN GUÅHAN
TWENTY-EIGHTH GUAM LEGISLATURE
2005(FIRST) Regular Session

BILL NO. 114(EC)

Introduced by:


Committee on Calendar
by request of *I Maga'lahaen Guåhan*,
the Governor of Guam, in accordance
with the Organic Act of Guam.

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

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 CHAPTER I

3 GENERAL PROVISIONS

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

9 Section 2. **Estimated Revenues for Fiscal Year 2006.** *I Liheslaturan Guåhan*,
10 the Guam Legislature, adopts the following revenue estimate for Fiscal Year 2006 and
11 shall be utilized for appropriations contained herein.

1	I. GENERAL FUND REVENUES	<u>AMOUNT</u>
2	A. TAXES	
3	Income Tax (Individual, Corporate, Withholding	\$188,660,880
4	Interest and Penalties, Provision for Refunds)	
5	Gross Receipts Tax	151,537,300
6	Tobacco Tax <u>1/</u>	0
7	1/ P.L. No. 27-05 earmarks all Tobacco Tax to the Healthy	
8	Futures Fund.	
9	Alcoholic Beverage Taxes <u>2/</u>	0
10	2/ P.L. No. 27-05 earmarks all Alcoholic Beverage Taxes to	
11	Healthy Futures Fund and Safe Homes, Safe Streets Fund.	
12	Other Taxes	<u>3,350,300</u>
13	TOTAL TAXES	\$343,548,480
14	B. FEDERAL SOURCES	\$56,052,700
15	Federal Income Tax Collection (Section 30 Funds);	
16	Immigration Fees and Indirect Cost	
17	C. USE OF MONEY AND PROPERTY	\$191,000
18	Interest Earned on Accounts	
19	D. LICENSES, FEES AND PERMITS	\$8,067,000
20	Business Licenses, Weights and Measures Fees and Others	
21	E. DEPARTMENT CHARGES	\$1,985,820
22	Education, Public Health, Agriculture and Others	

1	TOTAL GENERAL FUND REVENUE	\$409,845,000
2	II. SPECIAL FUND REVENUES APPROPRIATED IN THIS ACT	
3	A. Air Pollution Control Special Fund	\$214,129
4	B. Chamorro Land Trust Fund	492,266
5	C. Corrections Revolving Fund	1,304,907
6	D. Customs, Agriculture and Quarantine Inspection	
7	Services Fund	7,760,418
8	E. Enhanced 911 Emergency Reporting System Fund	2,082,787
9	F. Environmental Health Fund	233,872
10	G. Guam Contractors License Board Fund	334,901
11	H. Guam Environmental Trust Fund	141,476
12	I. Guam Highway Fund	14,345,779
13	J. Healthy Futures Fund	9,208,504
14	K. Land Survey Revolving Fund	728,805
15	L. Police Services Fund	339,116
16	M. Professional Engineers, Architects and	
17	Land Surveyors Board Fund	159,979
18	N. Public Recreation Services Fund	154,717
19	O. Safe Homes, Safe Streets Fund	1,456,962
20	P. Solid Waste Fund	5,822,582
21	Q. Tax Collection Enhancement Fund	556,123
22	R. Territorial Education Facilities Fund	19,318,360
23	S. Water Protection Fund	52,340

1	T. Water Research and Development Fund	<u>61,054</u>
2	TOTAL SPECIAL FUND REVENUE	\$64,769,077
3	III. FEDERAL MATCHING GRANTS-IN-AID REVENUES	
4	Federal Grants-In-Aid Requiring Local Match:	
5	A. Agriculture	\$517,800
6	B. Guam Council on the Arts and Humanities Agency	240,000
7	C. Integrated Services for Individuals with Disabilities	1,942,602
8	D. Labor	33,500
9	E. Law	3,040,228
10	F. Military Affairs	568,092
11	G. Public Health and Social Services	18,014,395
12	H. University of Guam	1,508,000
13	I. Youth Affairs	<u>305,600</u>
14	TOTAL FEDERAL MATCHING GRANTS-IN-	
15	AID REVENUE	\$26,170,217
16	REVENUE SUMMARY:	
17	TOTAL GENERAL FUND REVENUE	\$409,845,000
18	TOTAL SPECIAL FUND REVENUE	\$64,769,077
19	TOTAL FEDERAL MATCHING GRANTS-IN-	
20	AID REVENUE	<u>\$26,170,217</u>
21	GRAND TOTAL	\$500,784,294

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

1	A. 1993 AND 1995 GENERAL OBLIGATIONS BONDS	
2	(P.L. No. 22-19, Capital Projects Pledged and Due FY2018 as	
3	Final Year; and P.L. 23-14, Tax Refunds, Supplemental Retirement	
4	Payments Pledged and Due FY2006 as Final Year)	\$14,847,720 1/
5	1/ Territorial Education Facilities Fund	
6	B. LIMITED OBLIGATION HIGHWAY REFUNDING	
7	BOND 2001 SERIES (P.L. 24-70)	\$ 6,029,294 2/
8	2/ Guam Highway Fund	
9	C. LIMITED OBLIGATION BOND, SERIES 2001A	
10	(P.L. No. 26-58, Amended by P.L. 25-59, Section 30	
11	Pledged and Due FY2012 as Final Year)	\$ 9,826,287
12	D. P.L. 26-84, P.L. 26-85 and LINE OF CREDIT (LOC)	<u>\$ 1,281,818</u>
13	GRAND TOTAL	\$31,985,119

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

18 "(e) **'Equipment'** means items having a purchase price of Five
19 [~~Hundred~~] Thousand Dollars [~~(\$500.00)]~~ (\$5,000.00) or less."

1 **CHAPTER II**

2 **APPROPRIATIONS FOR EXECUTIVE BRANCH OPERATIONS**

3 **Section 1. Executive Branch Appropriations.** Three Hundred Eighty-six

4 Million Six Hundred Fourteen Thousand Five Hundred Seven Dollars (\$386,614,507) are

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

6 30, 2006. This sum is composed of Three Hundred Sixteen Million Eight Hundred Two

7 Thousand Two Hundred Twenty-seven Dollars (\$316,802,227) from the General Fund;

8 Forty-three Million Six Hundred Forty-two Thousand Sixty-three Dollars (\$43,642,063)

9 from Special Funds; and Twenty-six Million One Hundred Seventy Thousand Two

10 Hundred Seventeen Dollars (\$26,170,217) from Federal Matching Grants-in-Aid. The

11 appropriation shall be expended as follows:

	General	Special	Federal Fund	Total
	Fund	Fund	Match	

14 **I. EXECUTIVE DIRECTION**

15 **A.** Office of I Maga'lahaen

16 Guahan and I Segundu

17 Na Maga'lahaen Guahan	\$4,815,745		\$4,815,745
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18 **B.** Bureau of Budget and

19 Management Research	1,253,469		1,253,469
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20 **C.** Bureau of Statistics

21 and Plans	1,073,302		1,073,302
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22 D. Military Affairs	644,270	568,092	1,212,362
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23 E. Veterans Affairs	112,817		112,817
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	General	Special	Federal Fund	Total
	Fund	Fund	Match	
1				
2				
3	F. Civil Service			
4	Commission	895,085		895,085
5	G. Guam Election			
6	Commission	372,884		372,884
7	H. Commission on			
8	Decolonization	150,000		150,000
9	TOTAL EXECUTIVE			
10	DIRECTION	\$ 9,317,572	\$	\$568,092
11	II. PUBLIC SAFETY			
12	A. Guam Police	20,050,460	339,116 1/	20,389,576
13	B. Guam Fire	19,908,702	2,082,787 2/	21,991,489
14	C. Corrections	13,649,631	1,304,907 3/	14,954,538
15	D. Youth Affairs	3,218,776	300,000 4/	305,600
16	E. Chief Medical			
17	Examiner's Office	386,839		386,839
18	TOTAL PUBLIC			
19	SAFETY	\$57,214,408	\$4,026,810	\$305,600
20	III. HOMELAND SECURITY			
21	A. Customs and Quarantine		7,760,418 5/	7,760,418

	General	Special	Federal Fund	Total	
	Fund	Fund	Match		
3	TOTAL HOMELAND				
4	SECURITY	\$	\$7,760,418	\$	\$7,760,418
5	IV. HEALTH				
6	A. Integrated Services for Individuals				
7	With Disabilities	1,323,032	433,656 6/	1,942,602	3,699,290
8	B. Medical Referral				
9	Offices	600,000			600,000
10	C. Mental Health and				
11	Substance Abuse	4,515,343	2,071,813 7/		6,587,156
12	D. Public Health and				
13	Social Services	17,930,870	3,843,869 8/	18,014,395	39,789,134
14	E. Guam Memorial Hospital				
			4,000,000 6/		4,000,000
15	TOTAL HEALTH	\$24,369,245	\$10,349,338	\$19,956,997	\$54,675,580
16	V. EDUCATION				
17	A. Education				
18	(DOE, UOG, GCC)	181,242,254 9/	4,470,640 10/	1,508,000	187,220,894
19	B. Guam Educational Telecommunications				
20	Corporation	514,477			514,477
21	C. Guam Public Library				
		1,117,902			1,117,902
22	TOTAL EDUCATION	\$182,874,633	\$4,470,640	\$1,508,000	\$188,853,273
23	VI. FINANCE AND ADMINISTRATION				

	General	Special	Federal Fund	Total
	Fund	Fund	Match	
1				
2				
3	A. Administration	7,095,864		7,095,864
4	TOTAL FINANCE AND			
5	ADMINISTRATION	\$7,095,864	\$	\$7,095,864
6	VII. NATURAL RESOURCES			
7	A. Agriculture	2,264,127		2,781,927
8	B. Chamorro Land Trust			
9	Commission		492,266 11/	492,266
10	C. Guam Environmental			
11	Protection Agency		468,999 12/	468,999
12	D. Land Management	2,242,105	728,805 13/	2,970,910
13	E. Ancestral Lands			
14	Commission	200,000		200,000
15	F. Parks and Recreation	3,679,213	154,717 14/	3,833,930
16	TOTAL NATURAL			
17	RESOURCES	\$8,385,445	\$1,844,787	\$517,800
18	VIII. LABOR			
19	A. Contractor's License			
20	Board		334,901 15/	334,901
21	B. Licensing and Professional			
22	Labor Regulations			
23	(PEALS, etc.)		159,979 16/	159,979

	General	Special	Federal Fund	Total	
	Fund	Fund	Match		
3	C. Labor	1,739,021		33,500	1,772,521
4	TOTAL LABOR	\$1,739,021	\$494,880	\$33,500	\$2,267,401
5	IX. TRANSPORTATION				
6	A. Public Works	10,740,194	11,139,067 17/		\$21,879,261
7	B. Guam Mass Transit				
8	Authority		3,000,000 18/		3,000,000
9	TOTAL				
10	TRANSPORTAION	\$10,740,194	\$14,139,067	\$	\$24,879,261
11	X. TOURISM AND CULTURE				
12	A. Cultural Heritage and the Arts				
13	(Chamorro Affairs, etc)	687,606			687,606
14	B. Guam Council on the Arts and				
15	Humanities Agency	266,577		240,000	506,577
16	TOTAL TOURISM AND				
17	CULTURE	\$954,183	\$	\$240,000	\$1,194,183
18	XI. REVENUE AND TAXATION				
19	A. Revenue & Taxation	8,861,612	556,123 19/		9,417,735
20	TOTAL REVENUE AND				
21	TAXATION	\$8,861,612	\$556,123	\$	\$9,417,735
22	XII. JUSTICE				
23	A. Law	5,250,050		3,040,228	8,290,278

	General	Special	Federal Fund	Total
	Fund	Fund	Match	
3	TOTAL JUSTICE	\$5,250,050	\$	\$3,040,228
4	GRAND TOTAL	\$316,802,227	\$43,642,063	\$26,170,217

5 **NOTES:**

- 6 1/ **Police Services Fund**
- 7 2/ **Enhanced 911 Emergency Reporting System Fund**
- 8 3/ **Corrections Revolving Fund**
- 9 4/ **Safe Homes, Safe Streets Fund**
- 10 5/ **Customs, Agriculture and Quarantine Inspection Services Fund**
- 11 6/ **Healthy Futures Fund**
- 12 7/ **Safe Homes, Safe Streets Fund (\$906,962) and Healthy Futures Fund (\$1,164,851)**
- 13 8/ **Healthy Futures Fund (\$3,609,997) and Environmental Health Fund (\$233,872)**
- 14 9/ **Appropriation of \$3,500,000 from FY2006 revenues pursuant to P.L. 27-106:IV:3(a)**
- 15 10/ **Territorial Education Facilities Fund**
- 16 11/ **Chamorro Land Trust Fund**
- 17 12/ **Air Pollution Control Special Fund (\$214,129); Guam Environmental Trust Fund**
- 18 **(\$141,476); Water Research & Dev. Fund (\$61,054); and Water Protection Fund (\$52,340)**
- 19 13/ **Land Survey Revolving Fund**
- 20 14/ **Public Recreation Services Fund**
- 21 15/ **Guam Contractors License Board Fund**
- 22 16/ **Professional Engineers, Architects and Land Surveyors Board Fund**
- 23 17/ **Guam Highway Fund (\$5,316,485) and Solid Waste Fund (\$5,822,582)**
- 24 18/ **Guam Highway Fund**
- 25 19/ **Tax Collection Enhancement Fund**

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CHAPTER III

MISCELLANEOUS APPROPRIATIONS

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

Section 2. Appropriation to the Worker's Compensation Fund.

(a) The sum of One Million Dollars (\$1,000,000) is appropriated from the General Fund to the Worker's Compensation Fund. The funds appropriated in this Section shall be utilized for worker's compensation payments for the purposes set out in §9144 of Title 22 of the Guam Code Annotated to pay workers compensation for claims by employees of the government of Guam, including outstanding prior years' obligations and future obligations associated with the provisions of this Section.

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

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

1 (d) Notwithstanding any other provision of law, the Director of the Department
2 of Labor is authorized to spend *up to* Forty Thousand Dollars (\$40,000.00) from the
3 appropriation to the Worker's Compensation Fund for Fiscal Year 2006 to pay for legal
4 services for worker's compensation hearings.

5 **Section 3. Appropriation to the Department of Youth Affairs for Sanctuary,**
6 **Inc.** The sum of Two Hundred Fifty Thousand Dollars (\$250,000) is appropriated from
7 the General Fund to the Department of Youth Affairs ("DYA") for Sanctuary, Inc. for
8 their Fiscal Year 2006 operations. DYA shall make a report of the expenditures of the
9 funds of this appropriation to *I Maga'lahaen Guåhan* and *I Liheslaturan Guåhan*, within
10 sixty (60) days following the end of the fiscal year covered herein.

11 **Section 4. Appropriation to the Department of Administration for the**
12 **Residential Treatment Fund.** The sum of One Million Five Hundred Twenty-four
13 Thousand Three Hundred Fifty-seven Dollars (\$1,524,357) is appropriated from the
14 General Fund to the Department of Administration ("DOA") to pay authorized expenses
15 in Fiscal Year 2006 for persons under the jurisdiction of the Superior Court of Guam for
16 residential care arising from physical, mental or emotional disabilities, or from severe
17 emotional disturbances. All patients and escorts referred off Guam shall submit to the
18 Director of DOA supporting documents to justify reimbursement of their travel expenses.

19 **Section 5. Appropriation to the Department of Education for Summer**
20 **School.**

21 (a) There is hereby appropriated such sums as are necessary from the Summer
22 School Fund established pursuant to §6119 of Article 1, of Chapter 6 of Division 1 of

1 Title 17, Guam Code Annotated, to the Department of Education to fund the operation of
2 the 2006 Summer School Program.

3 (b) The Superintendent of Education shall submit a detailed report to I
4 Liheslaturan Guåhan on the expenditure of said funds no later than thirty (30) days upon
5 the conclusion of summer school.

6 **Section 6. Appropriation to the Department of Education for Non-Personnel**
7 **Operating Expenses.**

8 (a) All monies collected by the Department of Education ("DOE") from the
9 school lunch program, lost and damaged textbooks and Federal funds paid to the
10 government of Guam for reimbursement under the National School Lunch and Breakfast
11 Program and State Administrative Expense ("SAE") Funds are hereby appropriated to
12 DOE for non-personnel operating expenses.

13 (b) The Superintendent of the Department of Education is authorized to carryover
14 and expend any unexpended fund balances of the fund sources listed in subsection (a) of
15 this Section in Fiscal Year 2006.

16 (c) The Superintendent of the Department of Education shall make a separate
17 report of the expenditures for each of the fund sources listed in subsections (a) and (b) of
18 this Section to *I Maga'lahaen Guåhan*, and *I Liheslaturan Guåhan*, within thirty (30) days
19 of the close of each quarter in Fiscal Year 2006.

20 **Section 7. Appropriation to the Public Health and Social Services for Public**
21 **Assistance Program Payments.** The sum of Three Million One Hundred Thousand
22 Dollars (\$3,100,000) is appropriated from the General Fund to the Department of Public

1 Health and Social Services for Public Assistance Program payments for Fiscal Year
2 2006.

3 **Section 8. Appropriations for Supplemental Annuity Benefits and for Other**
4 **Costs.**

5 (a) The sum of Thirteen Million Four Hundred Thirty-seven Thousand Dollars
6 (\$13,437,000) is appropriated from the General Fund to the Supplemental Annuity
7 Benefits Special Fund for the period of October 1, 2005 to September 30, 2006, for direct
8 payments to those employees who retired prior to October 1, 1995, or their survivors, for
9 the continuing provisions of Four Thousand Two Hundred Thirty-eight Dollars
10 (\$4,238.00) for supplemental annuity benefits, consisting of the sum of One Thousand
11 Two Hundred Dollars (\$1,200.00), One Thousand Five Hundred Dollars (\$1,500.00),
12 Seven Hundred Dollars (\$700.00), and Eight Hundred Thirty-eight Dollars (\$838.00) in
13 annual benefits formerly contained in various General Appropriation Acts.

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

21 (c) The Department of Administration shall be the responsible entity to disburse
22 to the retirees or their survivors the supplemental annuities pursuant to Subsection (a) of
23 this Section. The Government of Guam Retirement Fund shall provide the necessary

1 information for disbursement to the retirees or their survivors to the Department of
2 Administration.

3 **(d)** Deposits made to the Supplemental Annuity Benefits Special Fund (“Fund”)
4 shall not be commingled with the General Fund and shall continue to be kept in a
5 separate bank account which shall continue to be administered by the Director of the
6 Department of Administration.

7 **(e)** For October 1, 2005, to September 30, 2006, of Fiscal Year 2006, the Guam
8 Power Authority, the Guam Telephone Authority, the A.B. Won Pat International Airport
9 Authority Guam, the Guam Economic Development and Commerce Authority, the Guam
10 Housing Corporation, the Government of Guam Retirement Fund, the Jose D. Leon
11 Guerrero Commercial Port, the Guam Waterworks Authority and the Guam Visitors
12 Bureau shall remit to the Department of Administration an amount equal to the number of
13 eligible employees which are retired from each entity multiplied by the amounts listed in
14 Subsection (a) of this Section. The remittance shall be due on or before October 10,
15 2005, and April 15, 2006 respectively.

16 **(f)** The sum of Six Million Nine Hundred Fifty-two Thousand Four Hundred
17 Twenty Dollars (\$6,952,420) is appropriated from the General Fund to the Government
18 of Guam Retirement Fund for the payment of benefits of current retirees from October 1,
19 2005, to September 30, 2006, consisting of the continuing provisions of Items (1) through
20 (2), below:

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

1 (i) For October 1, 2005, to September 30, 2006, of Fiscal Year 2006, the sum of
2 One Hundred Five Thousand (\$105,000) is appropriated from the General Fund to the
3 Government of Guam Retirement Fund for *I Maga'lahi* and *I Segundu na Maga'lahi/I*
4 *Segundu na Maga'haga* Pensions.

5 (j) The Board of Trustees shall promulgate, continue and amend, if necessary,
6 administrative procedures to ensure the proper submission, receipt and accounting of all
7 sums remitted in conformance with Subsections (e) and (g) of this Section.

8 **Section 9. Survivor Supplemental Annuity Additions.** Subsection (d) of Item
9 (6) of 4 GCA §8135 is hereby amended to read:

10 “(6) the prospective payment of supplemental benefits for the period
11 [~~October 1, 2004, through September 30, 2005,~~] October 1, 2005, through
12 September 30, 2006, for survivors of those employees who retired prior to
13 October 1, 1995, to be paid in the following manner:”

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

16 “(g) Any disability retirement annuitant who commenced receiving a
17 disability retirement annuity prior to October 1, 1995, and who is entitled to
18 disability retirement benefits under this Chapter shall receive, during the period
19 commencing on [~~October 1, 2004, and ending on September 30, 2005,~~] October 1,
20 2005, and ending on September 30, 2006, prospective non-cumulative
21 supplemental annuity benefits as follows:”

22 **Section 11. Retirees Supplemental Annuity Additions.** Item (6) of 4 GCA
23 §8122 (d) is hereby amended to read as follows:

1 “(6) Any retirement annuitant who commenced receiving a retirement
2 annuity prior to October 1, 1995, and who is entitled to retirement benefits under
3 this Chapter shall receive, during the period commencing on [~~October 1, 2004,~~
4 ~~and ending on September 30, 2005,~~] October 1, 2005, and ending on September
5 30, 2006, prospective, non-cumulative supplemental annuity benefits as follows:”

6 **Section 12. Medically Indigent Program (MIP) and Medicaid Program**

7 **Appropriation.** The sum of Nineteen Million Eight Hundred Twenty-two Thousand
8 Five Hundred Ninety-seven Dollars (\$19,822,597) is appropriated from the General Fund
9 to the Medically Indigent Program Payment Revolving Fund (“MIPPR”) for the
10 Medically Indigent Program (“MIP”) and Medicaid Program for Fiscal Year 2006.

11 **Section 13. Appropriation for Office Space Rental for Government of**
12 **Guam Departments and Agencies that Relocated from *Tiyan* and *Civil Service***

13 **Commission.** The sum of Two Hundred Ninety Eight Thousand One Hundred Six
14 Dollars (\$298,106) is appropriated from the General Fund to the Department of
15 Administration for the cost of office space rental of government of Guam departments
16 and agencies, excluding autonomous agencies, that relocated their offices from *Tiyan* and
17 *Civil Service Commission*. The sums provided herein shall be for Fiscal Year 2006.

18 **Section 14. Appropriation for Office Space Rental for Government of**
19 **Guam Departments and Agencies that Relocated from *Tiyan*.** The sum of Two

20 Hundred Fifty Thousand Dollars (\$250,000) is appropriated from the Safe Homes, Safe
21 Streets Fund to the Department of Administration for the cost of office space rental for
22 the Department of Integrated Services for Individuals with Disabilities, the Guam Fire

1 Department and the Department of Corrections that relocated their offices from Tiyan.
2 The sums provided herein shall be for Fiscal Year 2006.

3 **Section 15. Appropriation for the Government of Guam Annual Single**
4 **Audit.** The sum of Three Hundred Twenty-seven Thousand Dollars (\$327,000) is
5 appropriated from the General Fund to the Department of Administration for the
6 Government of Guam Fiscal Year 2005 Annual Single Audit.

7 **Section 16. Catastrophic Illness Program Appropriation.** The sum of One
8 Hundred Thousand Dollars (\$100,000) is appropriated from the General Fund to the
9 Department of Public Health and Social Services for the sole purpose of funding the
10 Catastrophic Illness Program for Fiscal Year 2006.

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CHAPTER IV

MISCELLANEOUS PROVISIONS

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

1. The provisions of this Section shall not apply to any employee of the Legislative or Judicial Branches of government, personnel within the Department of Education, and personnel within the University of Guam and Guam Community College;

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

3. The transfer of any employee shall not occur if the employee has filed a legitimate grievance with the Civil Service Commission for discrimination based on political affiliation, gender, or sexual harassment, unless the said transfer is agreed to by the employee;

4. The provisions of this Section shall not provide for the transfer of autonomous agency employees into line departments or agencies;

5. The transfer of any employee pursuant to this Section shall be accompanied with the authorized funding for the transferred employee's position by the department or agency from which the employee is being transferred, unless the employee is transferred to an autonomous department or agency;

6. The employee shall be provided written notice thirty (30) days prior to the beginning of the pay period in which the employee is to be transferred, unless the notice period is voluntarily waived by the employee; and

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

4 **Section 2. Preferred Hiring of Government Employees in Autonomous**
5 **Agencies.** Notwithstanding any other provision of law, rule or regulation, employees of
6 the line departments and agencies of the government of Guam shall have the right of first
7 refusal for classified positions being recruited in all autonomous agencies, departments,
8 and instrumentalities, except those positions being recruited "in-house" within such
9 agency. Such recruitment shall be conducted in a competitive process consistent with the
10 merit system of the government of Guam. The Department of Administration is hereby
11 directed and authorized to develop a rating system for use by the autonomous agencies,
12 departments, and instrumentalities in the filling of such positions. This Section shall be
13 interpreted to mean that employees of the line departments and agencies are preferred for
14 employment. In cases where the autonomous agencies, departments, and
15 instrumentalities opine that there are no qualified applicants found from the line
16 departments and agencies, the Civil Service Commission shall review the applications
17 and render its opinion as to the qualification of the applicants. Should the Civil Service
18 Commission agree with the autonomous agencies, departments or instrumentalities that
19 no qualified applicant exists in the line departments, or agencies, then the Civil Service
20 Commission shall certify that the applicants were not qualified and that the need to
21 recruit from outside government sources exists. The autonomous agencies, departments,
22 or instrumentalities may then commence general recruitment activities.

1 **Section 3. Retirement Option for Government of Guam Employees Upon the**
2 **Complete Remittance of Individual Retirement Fund Contributions.** Any and all
3 active members of the Government of Guam Retirement Fund who meet the minimum
4 eligibility requirements for retirement shall be granted the opportunity to retire upon the
5 complete remittance of his or her outstanding individual retirement fund contributions.
6 Such contributions shall include the employee and employer retirement fund
7 contributions. Any and all fees, interest at actuarial rate, and penalties associated with
8 the requirements set forth by the Government of Guam Retirement Fund shall be paid by
9 the Government.

10 The provisions set forth herein *shall in no way* be interpreted by any government
11 of Guam entity or administrator as an allowance to restrict the continual remittance of
12 existing retirement fund contributions as required by law, or set forth by the Government
13 of Guam Retirement Fund.

14 By the fifteenth (15th) day of each month, *I Maga'lahen Guåhan* shall provide a
15 detailed report to *I Liheslaturan Guåhan* on the remittances and number of retirements
16 for the prior month pursuant to this Section.

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

19 “(h) the jurisdiction of the Commission shall not extend to academic
20 personnel of the Guam Community College, University of Guam, Guam
21 International Airport Authority, Guam Memorial Hospital Authority, Guam
22 Economic Development and Commerce Authority and Port Authority of Guam
23 except upon mutual consent by the governing board of the respective institution

1 and the Commission, nor to any position or person, appeal or proceeding of
2 whatever kind or description if the position is denominated “unclassified” in this
3 Title, except to the extent explicitly permitted in this Section, nor shall such
4 jurisdiction extend to the determination of whatever it is practicable to place a
5 position in the classified service.”

1 CHAPTER V

2 ADMINISTRATIVE PROVISIONS

3 Section 1. Personnel Services Carryover. All unexpended and/or
4 unencumbered balances of Personnel Services appropriations contained in this Act shall
5 continue to be available for expenditure throughout Fiscal Year 2006 ending September
6 30, 2006.

7 Section 2. Appropriations from the Guam Contractor License Board
8 Fund and Professional Engineers, Architects and Land Surveyors Board Fund to
9 revert to the General Fund for Fiscal Year 2006. At the end of Fiscal Year 2006, any
10 unexpended or unencumbered appropriation balances from the Guam Contractors
11 License Board ("GCLB") Fund and the Professional Engineers, Architects and Land
12 Surveyors ("PEALS") Board Fund shall revert to the General Fund.

13 Section 3. Reversion to the General Fund and Tourist Attraction Fund,
14 Healthy Futures Fund, and Safe Homes, Safe Streets Fund. Notwithstanding any
15 other provision of law, *unless* otherwise specified in this Act or subsequent legislation:

16 (a) General Fund Reversion. All unexpended or unencumbered appropriations
17 made from the General Fund pursuant to this Act, *unless* otherwise provided for in Fiscal
18 Year 2006, shall *revert* to the General Fund on the last day of that fiscal year;

19 (b) Tourist Attraction Fund Reversion. All unexpended or unencumbered
20 appropriations made from the Tourist Attraction Fund pursuant to this Act, unless
21 otherwise provided for in Fiscal Year 2006, shall revert to the Tourist Attraction Fund on
22 the last day of that fiscal year;

1 **(c) Healthy Futures Fund Reversion.** All unexpended or unencumbered
2 appropriations made from the Healthy Futures Fund pursuant to this Act, unless
3 otherwise provided for in Fiscal Year 2006, shall revert to the Healthy Futures Fund on
4 the last day of that fiscal year;

5 **(d) Safe Homes, Safe Streets Fund Reversion.** All unexpended or
6 unencumbered appropriations made from the Safe Homes, Safe Streets Fund pursuant to
7 this Act, unless otherwise provided for in Fiscal Year 2006, shall revert to the Safe
8 Homes, Safe Streets Fund on the last day of that fiscal year.

9 **Section 4. Carryover of Local and Federal Matching Program Funds for**
10 **grants.** The Local and Federal Matching Funds for programs whose expiration dates
11 extend *beyond* September 30, 2006, are hereby authorized to be carried over and
12 expended through the period of the grant award.

13 **Section 5. Federal Reimbursements into the General Fund.** Except as
14 provided by the provisions of §5104(38) of Title 12 of the Guam Code Annotated, *if*
15 Guam expends any funds, which are reimbursed by the Federal Government, the
16 reimbursed funds shall be placed into the General Fund upon receipt.

17 **Section 6. Prior Years' Obligations.** Notwithstanding any other provision of
18 law, appropriations made in this Act may be expended for the payment of prior years'
19 obligations, provided that *I Maga'lahren Guåhan*, shall deliver notice of each proposed
20 expenditure to the Speaker of *I Liheslaturan Guåhan*, and such expenditure shall *not* be
21 effectuated until ten (10) days has lapsed after delivery of such notice.

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

4 **Section 8. Maga'lahren Guåhan Transfer Authority.** *I Maga'lahren Guåhan*
5 is hereby authorized to transfer within an agency or between agencies, within the
6 Executive Branch. This transfer authority shall not be applicable to funds allocated to the
7 Unified Judiciary, *I Liheslaturan Guåhan*, the Office of the Attorney General, the Office
8 of the Public Auditor and the Mayors Council.

9 *I Maga'lahren Guåhan*, shall report to *I Liheslaturan Guåhan*, at the end of each
10 month all transfers pursuant to this Section.

11 **Section 9. Special Fund Transfer.** Notwithstanding any other provision of
12 law, *I Maga'lahren Guåhan*, is authorized to transfer to the General Fund from any
13 Special Fund, Trust Fund and Revolving Fund to supplement the cash obligations of the
14 General Fund.

15 **Section 10. Authorization to expend Indirect Cost Fees collected for Fiscal**
16 **Year 2006.** The Bureau of Budget and Management Research develops the annual
17 central cost allocation plan and indirect cost rate proposal for the collection of the
18 government of Guam's share of indirect costs associated with administration of Federal
19 grants and contracts.

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

1 **Section 11. Executive Branch Lapsed Funds Carryover.** *I Maga'laha*
2 *Guahan* is hereby authorized to use Fiscal Year 2005 lapsed funds in Fiscal Year 2006
3 for general governmental operations and deficit reduction to include supplementing
4 amounts required for tax refunds and Earned Income Tax Credits.

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