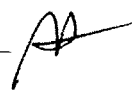


I MINA'BENTE NUEBI NA LIHESLATURAN GUÅHAN
TWENTY-NINTH GUAM LEGISLATURE
2008 (FIRST) REGULAR SESSION

BILL NO. 207 (LS)

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, 2009 AND
MAKING OTHER APPROPRIATIONS, AND ESTABLISHING
MISCELLANEOUS AND ADMINISTRATIVE PROVISIONS.

11-11-08
33
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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 2009*". 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, 2008 but no
7 later than September 30, 2009. 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 2009.** *I Liheslaturan Guåhan*,
10 the Guam Legislature, adopts the following revenue estimate for Fiscal Year 2009 which
11 shall be utilized for appropriations contained in this Act.

1	I. GENERAL FUND REVENUES	<u>AMOUNT</u>
2	A. TAXES	
3	Income Tax	
4	Corporate	\$ 92,039,979
5	Individual	\$ 77,505,105
6	Withholding Taxes, Interest and Penalties	\$174,329,231
7	Provision for Tax Refund	(\$76,600,000)
8	TOTAL INCOME TAXES	\$267,274,315
9	Business Privilege Tax	\$196,131,262
10	Other Taxes	<u>\$1,468,543</u>
11	TOTAL TAXES	\$464,874,120
12	B. FEDERAL SOURCES	\$48,351,222
13	Federal Income Tax Collection (Section 30 Funds);	
14	Immigration Fees and Indirect Cost	
15	C. USE OF MONEY AND PROPERTY	\$3,293,486
16	D. LICENSES, FEES AND PERMITS	\$3,248,507
17	E. DEPARTMENT CHARGES	\$954,462
18	TOTAL GENERAL FUND REVENUE	\$520,721,797
19	II. SPECIAL FUND REVENUES APPROPRIATED IN THIS ACT	
20	A. Air Pollution Control Special Fund	\$ 271,889
21	B. Better Public Service Fund	998,313
22	C. Chamorro Land Trust Operations Fund	500,301
23	D. Corrections Revolving Fund	1,430,973

1	E. Customs, Agriculture and Quarantine Inspection	
2	Services Fund	8,264,713
3	F. Enhanced 911 Emergency Reporting System Fund	1,142,920
4	G. Environmental Health Fund	530,619
5	H. Fire, Life and Medical Emergency Fund	1,347,140
6	I. Guam Contractors License Board Fund	574,205
7	J. Guam Environmental Trust Fund	218,233
8	K. Guam Highway Fund	16,386,787
9	L. Guam Plant Inspection and Permit Fund	68,022
10	M. Healthy Futures Fund	9,023,505
11	N. Judicial Building Fund	20,000
12	O. Land Survey Revolving Fund	2,858,202
13	P. Manpower Development Fund	1,259,000
14	Q. Police Services Fund	813,298
15	R. Professional Engineers, Architects and	
16	Land Surveyors Board Fund	246,250
17	S. Public Recreation Services Fund	207,941
18	T. Safe Streets Fund	236,000
19	U. School Lunch/SAE/Child Nutritional Meal	
20	Reimbursement Fund	7,500,000
21	V. Solid Waste Operations Fund	6,171,435
22	W. Street Light Fund	3,278,266

1	X. Territorial Education Facilities Fund	20,157,096
2	Y. Tourist Attraction Fund	20,222,819
3	Z. Water Protection Fund	73,561
4	AA. Water Research and Development Fund	<u>78,048</u>
5	TOTAL SPECIAL FUND REVENUE	\$103,879,536
6	III. FEDERAL MATCHING GRANTS-IN-AID REVENUES	
7	Federal Grants-In-Aid Requiring Local Match:	
8	A. Administration (GMTA)	\$928,738
9	B. Agriculture	455,600
10	C. Guam Council on the Arts and Humanities Agency	240,500
11	D. Guam Police	740,911
12	E. Integrated Services for Individuals with Disabilities	2,052,208
13	F. Labor	35,000
14	G. Law	3,254,724
15	H. Military Affairs	1,055,955
16	I. Public Health and Social Services	23,192,558
17	J. University of Guam	<u>2,430,448</u>
18	TOTAL FEDERAL MATCHING GRANTS-IN-	
19	AID REVENUE	\$34,386,642
20	REVENUE SUMMARY:	
21	TOTAL GENERAL FUND REVENUE	\$520,721,797
22	TOTAL SPECIAL FUND REVENUE	\$103,879,536
23	TOTAL FEDERAL MATCHING GRANTS-IN-	

1	AID REVENUE	<u>\$34,386,642</u>
2	GRAND TOTAL	\$658,987,975
3	Section 3. Debt Service Continuing Appropriation. The following are	
4	continuing appropriations for debt service requirements:	
5	A. GENERAL OBLIGATION BONDS 1993 REFUNDING/2007 SERIES A	
6	(For education capital projects; Real Property Taxes pledged;	
7	due FY 2038 as final year; P.L. 29-19 and P.L. 29-21, net	
8	of UOG Bond Payment Obligation \$2,027,513)	\$10,281,255 1/
9	1/ Territorial Education Facilities Fund	
10	B. LIMITED OBLIGATION HIGHWAY REFUNDING	
11	BOND 2001 SERIES A	
12	(P.L. No. 24-70; due FY 2012 as the final year;	
13	source of payment from Liquid Fuel Taxes)	\$ 6,030,400 2/
14	2/ Guam Highway Fund	
15	C. LIMITED OBLIGATION (SECTION 30) BONDS	
16	SERIES A	
17	(Water System Revenue Bond; P.L. 26-58, amended	
18	by P.L. 25-59; Section 30 fund pledged; due FY 2012	
19	as final year)	\$ 9,823,750 3/
20	3/ Section 30 Funds	
21	D. 2002 SHORT TERM FINANCING	
22	(Line of Credit; P.L. 26-84 amended by P.L. 26-122	
23	and P.L. 26-130; due FY 2012 as the final year; source	
24	of payment Section 30 Funds)	\$ 1,281,818 4/

1	4/ Section 30 Funds	
2	E. LIMITED OBLIGATION INFRASTRUCTURE	
3	IMPROVEMENT BONDS, 1997 SERIES A	
4	(Tumon Redevelopment; payment from the Tourist	
5	Attraction Fund, pursuant to P.L. 24-111)	<u>\$ 7,221,751</u> 5/
6	5/ Tourist Attraction Fund	
7	GRAND TOTAL	\$34,638,974

1 **CHAPTER II**

2 **APPROPRIATIONS FOR EXECUTIVE BRANCH OPERATIONS**

3 **Section 1. Executive Branch Appropriations.** Four Hundred Sixty Five

4 Million Seven Hundred Eighty Eight Thousand Seven Hundred Sixty One Dollars
5 (\$465,788,761) are appropriated for the operations of the Executive Branch for fiscal year
6 ending September 30, 2009. This sum is composed of Three Hundred Seventy One
7 Million Four Hundred Sixty Six Thousand Three Hundred Eighty Two Dollars
8 (\$371,466,382) from the General Fund; Sixty Three Million One Hundred Ninety
9 Thousand Four Hundred Sixty One Dollars (\$63,190,461) from Special Funds; and
10 Thirty One Million One Hundred Thirty One Thousand Nine Hundred Eighteen Dollars
11 (\$31,131,918) from Federal Matching Grants-in-Aid. The appropriation shall be
12 expended as follows:

	General	Special	Federal Fund	Total
	Fund	Fund	Match	
15 I. EXECUTIVE DIRECTION				
16 A. Office of I Maga'lahaen				
17 Guahan and I Segundu				
18 Na Maga'lahaen Guahan	\$6,154,166			\$6,154,166
19 B. Bureau of Budget and				
20 Management Research	1,360,508			1,360,508
21 C. Bureau of Statistics				
22 and Plans	1,068,506			1,068,506
23 D. Military Affairs	487,398		1,055,955	1,543,353

	General	Special	Federal Fund	Total
	Fund	Fund	Match	
1				
2				
3				
4	E. Veterans Affairs	224,585		224,585
5	F. Civil Service			
6	Commission	789,580		789,580
7	G. Guam Election			
8	Commission	340,818		340,818
9	H. Commission on			
10	Decolonization	149,517		149,517
11	TOTAL EXECUTIVE			
12	DIRECTION	\$10,575,078	\$	\$1,055,955
13	II. PUBLIC SAFETY			
14	A. Guam Police	22,563,339	813,298 1/	740,911
15	B. Guam Fire	25,779,743	2,490,060 2/	
16	C. Corrections	17,487,226	1,526,973 3/	
17	D. Youth Affairs	3,306,283	251,302 4/	
18	E. Chief Medical			
19	Examiner	382,461		382,461
20	TOTAL PUBLIC			
21	SAFETY	\$69,519,052	\$5,081,633	\$740,911
22	III. HOMELAND SECURITY			
23	A. Customs and Quarantine		8,264,713 5/	8,264,713

	General	Special	Federal Fund	Total	
	Fund	Fund	Match		
3	TOTAL HOMELAND				
4	SECURITY	\$	\$8,264,713	\$	\$8,264,713
5	IV. HEALTH				
6	A. Integrated Services for Individuals				
7	with Disabilities	2,332,327	619,825 4/	2,052,208	5,004,360
8	B. Medical Referral				
9	Offices	712,955			712,955
10	C. Mental Health and				
11	Substance Abuse	6,117,696	1,568,871 4/		7,686,567
12	D. Public Health and				
13	Social Services	16,379,145	6,415,791 6/	23,192,558	45,987,494
14	E. Guam Memorial				
15	Hospital	12,140,525			12,140,525
16	TOTAL HEALTH	\$37,682,648	\$ 8,604,487	\$25,244,766	\$71,531,901
17	V. EDUCATION				
18	A. Guam Public School				
19	System	172,551,160	17,328,503 7/		189,879,663
20	B. University of Guam	28,123,707		2,430,448	30,554,155
21	C. Guam Community				
22	College	13,774,851	881,300 8/		14,656,151
23	D. Guam Educational Telecommunications				

	General	Special	Federal Fund	Total
	Fund	Fund	Match	
1				
2				
3	Corporation	520,447	47,338 9/	567,785
4	E. Guam Public Library	1,813,562		1,813,562
5	TOTAL EDUCATION	\$216,783,727	\$18,257,141	\$2,430,448
6	TOTAL EDUCATION			\$237,471,316
6	VI. FINANCE AND ADMINISTRATION			
7	A. Administration	8,249,169		8,249,169
8	TOTAL FINANCE AND			
9	ADMINISTRATION	\$8,249,169	\$	\$
9				\$8,249,169
10	VII. NATURAL RESOURCES			
11	A. Agriculture	2,471,262	68,022 10/	455,600
11				2,994,884
12	B. Chamorro Land Trust			
13	Commission		500,301 11/	500,301
14	C. Guam Environmental			
15	Protection Agency		641,731 12/	641,731
16	D. Land Management	520,000	2,858,202 13/	3,378,202
17	E. Ancestral Lands			
18	Commission	231,237		231,237
19	F. Parks and Recreation	3,605,042	207,941 14/	3,812,983
20	TOTAL NATURAL			
21	RESOURCES	\$6,827,541	\$4,276,197	\$455,600
21				\$11,559,338
22	VIII. LABOR			
23	A. Contractor's License			

	General	Special	Federal Fund	Total	
	Fund	Fund	Match		
3	Board	574,205 15/		574,205	
4	B. Licensing and Professional				
5	Labor Regulations				
6	(PEALS, etc.)	246,250 16/		246,250	
7	C. Labor	1,468,891	377,700 8/	35,000	1,881,591
8	TOTAL LABOR	\$1,468,891	\$1,198,155	\$35,000	\$2,702,046
9	IX. TRANSPORTATION				
10	A. Public Works	10,520,804	13,769,358 17/		24,290,162
11	B. Guam Mass Transit				
12	Authority/DOA		2,740,464 18/	928,738	3,669,202
13	TOTAL				
14	TRANSPORTATION	\$10,520,804	\$16,509,822	\$928,738	\$27,959,364
15	X. TOURISM AND CULTURE				
16	A. Cultural Heritage and the Arts (Chamorro				
17	Affairs, etc)	782,583			782,583
18	B. Guam Council on the Arts and Humanities				
19	Agency	357,035		240,500	597,535
20	TOTAL TOURISM AND				
21	CULTURE	\$1,139,618	\$	\$240,500	\$1,380,118
22	XI. REVENUE AND TAXATION				
23	A. Revenue & Taxation	8,699,854	998,313 19/		9,698,167

	General	Special	Federal Fund	Total
	Fund	Fund	Match	
TOTAL REVENUE AND				
TAXATION	\$8,699,854	\$998,313	\$	\$9,698,167
GRAND TOTAL	\$371,466,382	\$63,190,461	\$31,131,918	\$465,788,761

NOTES:

- 1/ Police Services Fund
- 2/ Enhanced 911 Emergency Reporting System Fund (\$1,142,920) and Fire, Life and Medical Emergency Fund (\$1,347,140)
- 3/ Corrections Revolving Fund (\$1,430,973) and Safe Streets Fund (\$96,000)
- 4/ Healthy Futures Fund
- 5/ Customs, Agriculture and Quarantine Inspection Services Fund
- 6/ Environmental Health Fund (\$530,619) and Healthy Futures Fund (\$5,885,172)
- 7/ School Lunch/SAE/Child Nutritional Meal Reimbursement Fund (\$7,500,000) and Territorial Education Facilities Fund (\$9,828,503)
- 8/ Manpower Development Fund
- 9/ Territorial Education Facilities Fund
- 10/ Guam Plant Inspection and Permit Fund
- 11/ Chamorro Land Trust Operations Fund
- 12/ Air Pollution Control Special Fund (\$271,889); Guam Environmental Trust Fund (\$218,233); Water Research & Development Fund (\$78,048); and Water Protection Fund (\$73,561)
- 13/ Land Survey Revolving Fund
- 14/ Public Recreation Services Fund
- 15/ Guam Contractors License Board Fund

- 1 16/ **Professional Engineers, Architects and Land Surveyors Board Fund**
- 2 17/ **Guam Highway Fund (\$7,597,923) and Solid Waste Operations Fund (\$6,171,435)**
- 3 18/ **Guam Highway Fund**
- 4 19/ **Better Public Service Fund**

1 **CHAPTER III**

2 **MISCELLANEOUS APPROPRIATIONS**

3 **Section 1. University of Guam for Scholarships and Training Programs.**

4 **(a) Student Scholarships, Financial Assistance Programs and Program**

5 **Administration.** The sum of Two Million Five Hundred Thirty Five Thousand Six
6 Hundred Seventy Dollars (\$2,535,670) is appropriated from the General Fund to the
7 University of Guam for Fiscal Year 2009 for: Merit Awards, Student Loans, Nurse
8 Training Programs, Professional and Technical Awards, Reserve Officer Training Corps
9 (ROTC), Regent Scholarships, Marine Lab Graduate Assistance Programs, Early High
10 School Admission Programs, Pedro "Doc" Sanchez Scholarship Programs, John F. Quan
11 Memorial Scholarship Program and the administration of all student financial assistance
12 programs. The President of the University of Guam *shall* allocate this appropriation in
13 order to fund said student scholarships, financial assistance programs and program
14 administration.

15 **(b) Dr. Antonio C. Yamashita Educator Corps.** The sum of One Million

16 Three Hundred Fourteen Thousand Six Hundred Ninety Six Dollars (\$1,314,696) is
17 appropriated from the General Fund to the University of Guam for Fiscal Year 2009.
18 The President of the University of Guam *shall* disburse, pursuant to the directives and
19 policies of the Educator Corps Council, stipends for the Dr. Antonio C. Yamashita
20 Educator Corps and funds for the administration of said program pursuant to Title 17
21 GCA Chapter 18 and §15107 of Title 17 of the Guam Code Annotated, as *amended*.

1 The President of the University of Guam *shall* post on the University of Guam’s
2 website all reports mandated by this Act regarding the Dr. Antonio C. Yamashita
3 Educator Corps.

4 **Section 2. Appropriation for Aquaculture Development and Training**
5 **Center.** The sum of One Hundred Forty Thousand Dollars (\$140,000) is appropriated
6 from the General Fund to the University of Guam for Fiscal Year 2009 for the *sole*
7 purpose of funding the continued operations of the Aquaculture Development and
8 Training Center. Said funds *shall* not be transferred or used for any other purpose.

9 **Section 3. Appropriation for WERI’s Guam Hydrologic Survey.** The sum
10 of Two Hundred Four Thousand Two Hundred Dollars (\$204,200) is appropriated from
11 the General Fund to the University of Guam for Fiscal Year 2009 for the sole purpose of
12 funding the Guam Hydrologic Survey (GHS) administered by the Water and
13 Environmental Research Institute of the Western Pacific (WERI). WERI *shall* continue
14 to administer the GHS for those purposes previously established by Guam law. Such
15 funds shall *not* be transferred *or* used for any other purpose.

16 **Section 4. Appropriation for WERI’s Comprehensive Water Resource**
17 **Monitoring Program.** The sum of One Hundred Seventy Three Thousand Nine
18 Hundred Forty Eight Dollars (\$173,948) is appropriated from the General Fund to the
19 University of Guam for Fiscal Year 2009 to fund the Water and Environmental Research
20 Institute of the Western Pacific (WERI). Such funds *shall* be used for the *sole* purpose of
21 matching the Federal funding for the Comprehensive Water Resource Monitoring
22 Program. WERI *shall* continue to administer the Comprehensive Water Resource

1 Monitoring Program for those purposes previously established Guam law. Such funds
2 shall *not* be transferred *or* used for any other purpose.

3 **Section 5. University of Guam for the College of Natural and Applied**
4 **Sciences.** The sum of One Hundred Twenty Five Thousand Dollars (\$125,000) is
5 appropriated from the General Fund to the University of Guam for Fiscal Year 2009 for
6 the College of Natural and Applied Sciences, provided that said amount shall be divided
7 equally between the Northern and Southern Soil and Water Conservation Districts
8 Programs. Such funds shall *not* be transferred *or* used for any other purpose.

9 **Section 6. University of Guam for KPRG (Public Radio).** The sum of One
10 Hundred Thousand Dollars (\$100,000) is appropriated from the General Fund to the
11 University of Guam for the KPRG (Public Radio) Fiscal Year 2009 operations. The
12 President of the University of Guam shall disburse the funds to KPRG. No later than
13 thirty (30) days after the close of each fiscal quarter of FY 2009, the General Manager of
14 KPRG *shall* submit to the President of the University of Guam, and post on KPRG's
15 website, all reports mandated by this Act.

16 **Section 7. University of Guam for Hero Scholarship Program.** The sum
17 of Twenty Thousand Dollars (\$20,000) is appropriated from the Judicial Building Fund
18 to the University of Guam for the Hero Scholarship Program for Fiscal Year 2009. Such
19 funds *shall* not be transferred *or* used for any other purpose.

20 **Section 8. Guam Community College LPN and Vocational Guidance**
21 **Programs.** The sum of Five Hundred Forty One Thousand Five Hundred Sixty Five
22 Dollars (\$541,565) is appropriated from the General Fund to the Guam Community

1 College for Fiscal Year 2009 to support the operations of the Licensed Practical Nursing
2 Program and Vocational Guidance Program.

3 **Section 9. Appropriation to the Guam Community College Lodging**
4 **Management Program/ProStart Program.** The sum of Twenty Four Thousand One
5 Hundred Fifty Four Dollars (\$24,154) is appropriated from the Tourist Attraction Fund to
6 the Guam Community College for Fiscal Year 2009 for the Lodging Management
7 Program/ProStart Program. Unexpended funds appropriated for the Guam Community
8 College Lodging Management Program/ProStart Program *shall* not lapse and *shall*
9 remain available for use in succeeding fiscal years until all said sums are expended.

10 **Section 10. Appropriations to Retirees' for Supplemental Annuity**
11 **Benefits and for Other Costs.**

12 **(a)** The sum of Eleven Million Seven Hundred Seventy One Thousand Seven
13 Hundred Sixty Nine Dollars (\$11,771,769) is appropriated from the General Fund to the
14 Supplemental Annuity Benefits Special Fund for Fiscal Year 2009 for direct payments to
15 government of Guam retirees who retired *prior* to October 1, 1995, or their survivors, for
16 the continuing payment of Four Thousand Two Hundred Thirty Eight Dollars (\$4,238)
17 per year in supplemental annuity benefits, consisting of the sums of One Thousand Two
18 Hundred Dollars (\$1,200), One Thousand Five Hundred Dollars (\$1,500), Seven
19 Hundred Dollars (\$700), and Eight Hundred Thirty Eight Dollars (\$838) in annual
20 benefits authorized by various General Appropriation Acts.

21 **(b)** *No* retiree who is eligible for Retiree Supplemental Annuity Benefits
22 provided for in Subsection (a) hereof *shall* receive said Benefits *if* his annual retirement
23 annuity, *excluding* survivor benefits and excluding the Supplemental benefits authorized

1 herein, is *greater than* Forty Thousand Dollars (\$40,000). No retiree who is eligible for
2 Retiree Supplemental Annuity Benefits *shall receive more than* the sum of Forty
3 Thousand Dollars (\$40,000) in combined retirement annuities and Supplemental Annuity
4 Benefits in any one Fiscal Year.

5 (c) The Director of Administration *shall* disburse to the retirees *or* their
6 survivors, the supplemental annuity benefits provided for in Subsection (a) of this
7 Section. The Government of Guam Retirement Fund *shall* provide the Director of
8 Administration with the information he needs to effect disbursement.

9 (d) Funds held in the Supplemental Annuity Benefits Special Fund *shall not* be
10 commingled with the General Fund *or* any other fund, *shall* be held in a separate bank
11 account that *shall* continue to be administered by the Director of Administration and *shall*
12 *not* be subject to *I Maga 'lahen Guåhan*'s transfer authority.

13 (e) For Fiscal Year 2009, the Guam Power Authority, the A.B. Won Pat
14 International Airport Authority, the Guam Economic Development and Commerce
15 Authority, the Guam Housing Corporation, the Government of Guam Retirement Fund,
16 the Jose D. Leon Guerrero Commercial Port, the Guam Waterworks Authority and the
17 Guam Visitors Bureau *shall* remit to the Department of Administration an amount equal
18 to the number of retirees eligible pursuant to subsection (a) hereof who have retired from
19 that entity multiplied by Four Thousand Two Hundred Thirty Eight Dollars (\$4,238).
20 Said remittances *shall* be paid in two (2) equal installments on *or* before October 10,
21 2008, and April 15, 2009, respectively. Said remittances *shall not* be subject to *I*
22 *Maga 'lahen Guåhan*'s transfer authority.

1 **(f)** The sum of Eighteen Million Seven Hundred Thirty Six Thousand Six
2 Hundred Seventy Eight Dollars (\$18,736,678) is appropriated from the General Fund to
3 the Government of Guam Retirement Fund to pay the following two (2) items for current
4 retirees for Fiscal Year 2009:

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

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

10 **(g)** For Fiscal Year 2009, the Guam Power Authority, the A.B. Won Pat
11 International Airport Authority, the Guam Economic Development and Commerce
12 Authority, the Guam Housing Corporation, the Government of Guam Retirement Fund,
13 the Jose D. Leon Guerrero Commercial Port, the Guam Waterworks Authority and the
14 Guam Visitors Bureau *shall* remit to the Government of Guam Retirement Fund
15 payments for medical, dental, and life insurance payments for retirees who have retired
16 from those respective agencies. Said remittances *shall* be paid in two (2) equal
17 installments on *or* before October 10, 2008 and on *or* before April 1, 2009, respectively.
18 The agencies' remittances for medical, dental and life insurance mandated herein are *ex*
19 *gratia* payments and are for Fiscal Year 2009 *only*.

20 **(h)** For Fiscal Year 2009, the sum of Six Hundred Thirty Five Thousand Dollars
21 (\$635,000) is appropriated from the General Fund to the Government of Guam
22 Retirement Fund to pay the cost of Medicare premiums for government of Guam retirees
23 and their survivors who are eligible to receive Social Security income benefits and who

1 are required by the government of Guam Group Health Insurance Program to pay said
2 premiums to participate therein.

3 (i) For Fiscal Year 2009, the sum of One Hundred Forty Five Thousand Dollars
4 (\$145,000) is appropriated from the General Fund to the Government of Guam
5 Retirement Fund for *I Maga'lahi* and *I Segundu na Maga'lahi/I Segundu na Maga'haga*
6 Pensions.

7 (j) For Fiscal Year 2009, the sum of Five Hundred Ten Thousand Five Hundred
8 Four Dollars (\$510,504) is appropriated from the General Fund to the Government of
9 Guam Retirement Fund for retirement annuities for former judges and justices of the
10 Superior Court and Supreme Court of Guam.

11 (k) The Government of Guam Retirement Fund Board of Trustees *shall* enact
12 and, *if necessary*, amend administrative regulations that establish procedures to ensure the
13 proper submission, receipt and accounting of all sums remitted pursuant to Subsections
14 (e) and (g) hereof.

15 **Section 11. Survivor Supplemental Annuity Additions.** Title 4 GCA
16 §8135(d)(6) is *amended* to read:

17 “(6) the prospective payment of supplemental benefits for the period of
18 [~~October 1, 2007, through September 30, 2008~~] October 1, 2008, through
19 September 30, 2009, for survivors of those employees who retired *prior* to
20 October 1, 1995, to be paid in the following manner:

21 (i) Four Thousand Two Hundred Thirty-eight Dollars (\$4,238.00) in
22 Retiree Supplemental Annuity Benefits, known as the sum of One
23 Thousand Two Hundred Dollars (\$1,200.00), One Thousand five

1 Hundred Dollars (\$1,500.00), Seven Hundred Dollars (\$700.00),
2 and Eight Hundred Thirty-eight Dollars (\$838.00) in annual
3 benefits formerly contained in various General Appropriation Acts.

4 (ii) *No person eligible for Retiree Supplemental Annuity Benefits*
5 *provided for in this Section shall receive such benefits if his*
6 *regular annual retirement annuity exclusive of the supplemental*
7 *amounts authorized hereby exceeds Forty Thousand Dollars*
8 *(\$40,000.00). No persons eligible for Retiree Supplemental*
9 *Annuity Benefits shall receive more than the sum of Forty*
10 *Thousand Dollars (\$40,000.00) in combined retirement annuities*
11 *and supplemental retirement annuities.”*

12 **Section 12. Disability Supplemental Annuity Additions.** Title 4 GCA
13 §8129(g) is *amended* to read:

14 “(g) Any disability retirement annuitant who commenced receiving a
15 disability retirement annuity *prior* to October 1, 1995, and who is entitled to
16 disability retirement benefits under this Chapter *shall* receive, during the period
17 commencing on [~~October 1, 2007, and ending on September 30, 2008~~] October 1,
18 2008, and ending on September 30, 2009, prospective non-cumulative
19 supplemental annuity benefits as follows:

20 (1) Four Thousand Two Hundred Thirty-eight Dollars
21 (\$4,238.00) in Retiree Supplemental Annuity Benefits,
22 known as the sum of One Thousand Two Hundred Dollars
23 (\$1,200.00), One Thousand Five Hundred Dollars

1 (\$1,500.00), Seven Hundred Dollars (\$700.00), and Eight
2 Hundred Thirty-eight Dollars (\$838.00) in *annual* benefits
3 formerly contained in various General Appropriation Acts.

4 (2) *No* persons eligible for Retiree Supplemental Annuity
5 Benefits provided for in Paragraph (g) of this Section *shall*
6 receive such benefit *if* their regular annual retirement
7 annuity, *excluding* survivor benefits, *prior* to the
8 supplemental amounts herein exceeds Forty Thousand
9 Dollars (\$40,000.00). No persons eligible for Retiree
10 Supplemental Annuity Benefits shall receive more than the
11 sum of Forty Thousand Dollars (\$40,000.00) in combined
12 retirement annuities and supplemental retirement
13 annuities.”

14 **Section 13. Retirees Supplemental Annuity Additions.** Title 4 GCA
15 §8122(d)(6), is hereby *amended* to read as follows:

16 “(6) Any retirement annuitant who commenced receiving a retirement
17 annuity *prior* to October 1, 1995, and who is entitled to retirement benefits under
18 this Chapter, shall receive, during the period commencing on [~~October 1, 2007,~~
19 ~~and ending on September 30, 2008~~] October 1, 2008, and ending on September
20 30, 2009, prospective, non-cumulative supplemental annuity benefits as follows:

21 (i) Four Thousand Two Hundred Thirty-eight Dollars
22 (\$4,238.00) in Retiree Supplemental Annuity Benefits, known as
23 the sum of One Thousand Two Hundred Dollars (\$1,200.00), One

1 Thousand Five Hundred Dollars (\$1,500.00), Seven Hundred
2 Dollars (\$700.00), and Eight Hundred Thirty-eight Dollars
3 (\$838.00) in annual benefits formerly contained in various General
4 Appropriation Acts.

5 (ii) No retiree who is eligible for Retiree Supplemental Annuity
6 Benefits provided for in this Section shall receive such benefit if
7 his regular annual retirement annuity, excluding the supplemental
8 amounts authorized herein and survivor benefits, exceeds Forty
9 Thousand Dollars (\$40,000.00). A retiree who is eligible for
10 Retiree Supplemental Annuity Benefits shall receive no more than
11 Forty Thousand Dollars (\$40,000.00) in combined retirement
12 annuities and supplemental retirement annuities.”

13 **Section 14. Interest Only Payments for GMHA and GPSS.** For Fiscal Year
14 2009, the sum of Four Million Six Hundred Thousand Dollars (\$4,600,000) is
15 appropriated from the General Fund to the Government of Guam Retirement Fund to pay
16 for “interest only” payments for the Guam Memorial Hospital Authority (GMHA) and
17 the Guam Public School System (GPSS) as enumerated in P.L. 28-38 as amended by P.L.
18 29-19: Chapter VI; Section 13.

19 **Section 15. Appropriation for Cost of Living Allowance (COLA).** (a) *I*
20 *Maga’lahen Guåhan* shall provide, by a single lump sum payment, a “Cost of Living
21 Allowance” (COLA) of One Thousand One Hundred Dollars (\$1,100) to each retiree of
22 the Government of Guam Retirement Fund who is retired as of September 30, 2008, or
23 his survivor. The sum of Seven Million Five Hundred Eighty Five Thousand Six

1 Hundred Dollars (\$7,585,600) is appropriated from the General Fund to the Department
2 of Administration to pay said Cost of Living Allowance (COLA).

3 (b) The Guam Power Authority, A. B. Won Pat International Airport Authority,
4 the Guam Economic Development and Commerce Authority, the Guam Housing
5 Corporation, the Government of Guam Retirement Fund, the Jose D. Leon Guerrero
6 Commercial Port, the Guam Waterworks Authority and the Guam Visitors Bureau *shall*
7 pay a “Cost of Living Allowance” (COLA) in a single payment of One Thousand One
8 Hundred Dollars (\$1,100) to every Government of Guam Retirement Fund retiree who
9 retired from each respective aforementioned agency as of September 30, 2008 or his
10 survivor.

11 (c) Each agency mentioned in subsection (b) *shall* reimburse the General
12 Fund for any COLAs paid by the Fund in Fiscal Year 2009 to retirees who have retired
13 from that agency and their survivors.

14 **Section 16. Textbooks and Collateral Materials.** The following are
15 appropriations to the Guam Public School System for the purchase of textbooks, e-book
16 readers and collateral materials, to include software, sheet music and music books, in
17 accordance with the following terms and conditions:

18 (1) The sum of Two Million Dollars (\$2,000,000) is appropriated from
19 the General Fund from Fiscal Year 2010 revenues to the Guam Public School
20 System for the purchase of textbooks, e-book readers and related classroom
21 instructional materials to include software, sheet music and music books. The
22 Superintendent may, *if* necessary, through agreements with textbook vendors,

1 defer payment for said materials until *after* October 1, 2009 with the full faith and
2 credit of the government of Guam.

3 (2) The Superintendent of the Guam Public School System *shall* order
4 materials funded by this Section for Fiscal Year 2010 *no later than* March 1,
5 2009. The Superintendent *shall* receive said materials and distribute them to
6 schools *no later than* thirty (30) days before the start of the school calendar
7 established pursuant to Title 17 Guam Code Annotated §4111. All funds
8 appropriated for said materials *shall not* be used for any other purpose.

9 (3) On the first (1st) day of each fiscal quarter of FY 2009, the
10 Superintendent of Education *shall* provide to *I Maga'lahen Guåhan* and the
11 Speaker of *I Liheslaturan Guåhan*, and post on the GPSS website, a detailed
12 report regarding all receipts and expenditures for textbooks, e-book readers and
13 collateral classroom instructional materials to include software, sheet music and
14 music books. Said report *shall* be accompanied by the certified list of textbooks
15 approved by the Guam Education Policy Board and all purchase orders issued.
16 The report *shall* summarize:

17 (A) purchases by allotment account number, unit cost and the total cost
18 of books charged against an appropriation account, the vendor, quantity, title,
19 copyright date and ISBN number of books ordered, the allocation of such books
20 by school and grade, whether books are for teachers or students, and whether
21 books are textbooks, or e-books;

22 (B) the number of textbooks and e-book readers lost *or* damaged, the
23 amounts collected for such lost *or* damaged items and the amount of receivables

1 due for such lost *or* damaged items for the preceding fiscal year and the current
2 fiscal year by month; and

3 (C) other information that may be useful or that is requested by *I*
4 *Liheslaturan Guåhan* regarding the funds appropriated herein.

5 Non-compliance with these reporting requirements by the Superintendent of Education
6 *shall* result in the sanctions and penalties imposed by this Act.

7 **Section 17. Appropriation to the Guam Public School System for**
8 **Summer School.** From the Summer School Fund established pursuant to §6119 of
9 Article 1 of Chapter 6 of Division 1 of Title 17 Guam Code Annotated, such sums as are
10 necessary to fund the operations of the 2009 Summer School Program are appropriated to
11 the Guam Public School System (GPSS). The Superintendent of Education *shall* submit
12 a detailed report to *I Maga'lahren Guåhan* and the Speaker of *I Liheslaturan Guåhan*
13 regarding the receipt and expenditure of said funds *no later than* thirty (30) days after the
14 close of summer school and post the same on the GPSS website. Such report *shall*
15 include the following:

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

20 **Section 18. Interscholastic Sports Fund.** For Fiscal Year 2009, the sum of
21 Four Hundred Twenty Six Thousand Five Hundred Eighty One Dollars (\$426,581) is
22 appropriated from the Healthy Futures Fund to the Interscholastic Sports Fund

1 administered by the Guam Public School System to be expended pursuant to Title 17
2 GCA §7108.

3 **Section 19. Health and Physical Education Activities.** For Fiscal Year 2009,
4 the sum of Two Hundred Seventy One Thousand Seven Hundred Fifty Four Dollars
5 (\$271,754) is appropriated from the Healthy Futures Fund to the Guam Public School
6 System for Health and Physical Education programs, intramural sports, and similar
7 activities.

8 **Section 20. Guam State Clearinghouse.** The sum of Three Hundred
9 Seventeen Thousand Two Hundred Sixty Eight Dollars (\$317,268) is appropriated from
10 the General Fund to the Guam State Clearinghouse for its operations in Fiscal Year 2009.

11 **Section 21. Court-Appointed Attorney Fees.** The sum of Seven Hundred
12 Thousand Dollars (\$700,000) is appropriated from the General Fund for Fiscal Year 2009
13 to the Judiciary of Guam, for the *sole* purpose of paying court-appointed attorney fees
14 arising from the defense of indigent peoples. Said funds *shall* be deposited into the
15 Judicial Client Services Fund account, as created by Title 7 GCA, Division 1, Chapter
16 9.6, and *shall not* be subject to any transfer authority.

17 **Section 22. Adult and Juvenile Drug Courts.** The sum of Five Hundred
18 Twenty Nine Thousand One Hundred Ninety Five Dollars (\$529,195) is appropriated
19 from the General Fund to the Judiciary of Guam for the operations of the Adult and
20 Juvenile Drug Courts for Fiscal Year 2009.

21 **Section 23. Family Visitation Center.** The sum of One Hundred Forty
22 Thousand Dollars (\$140,000) is appropriated from the Safe Streets Fund, for Fiscal Year
23 2009, to the Judiciary of Guam to pay for contractual services for the operation of the

1 Family Visitation Center, *provided*, that the Judiciary must comply with Title 16 GCA
2 §18125 (c) and (d) and Title 7 GCA §9211 (b).

3 **Section 24. Street Light Fund.** The sum of Three Million Two Hundred
4 Seventy Eight Thousand Two Hundred Sixty Six Dollars (\$3,278,266) is appropriated
5 from the Street Light Fund to the Department of Public Works to pay the Guam Power
6 Authority for the installation and operation of public streetlights in Fiscal Year 2009.
7 The Director of DPW *shall* submit a quarterly report of the expenditures from this
8 appropriation to the Speaker of *I Liheslaturan Guåhan* and post the same on the
9 Department's website.

10 **Section 25. Medicaid Program.** The sum of Thirteen Million Three Hundred
11 Thirty Four Thousand Two Hundred One Dollars (\$13,334,201) is appropriated from the
12 General Fund to the Department of Public Health and Social Services for Fiscal Year
13 2009 for the local match requirement of the Medicaid Program.

14 **Section 26. Support of Child in Custody - 19 GCA §5116.** The sum of
15 Seven Hundred Thousand Dollars (\$700,000) is appropriated from the General Fund for
16 Fiscal Year 2009 to the Department of Administration for the sole purpose of paying
17 orders of the court pursuant to 19 GCA §5116.

18 **Section 27. Department of Agriculture - Animal Shelter.** The sum of Fifty
19 Thousand Dollars (\$50,000) is appropriated from the General Fund to the Department of
20 Agriculture to fund a contract with a private entity to manage and operate the Yigo
21 Animal Shelter for Fiscal Year 2009.

22 **Section 28. MHSA – Detoxification & Rehabilitation Services.** The sum of
23 Six Hundred Thousand Dollars (\$600,000) is appropriated from the General Fund to the

1 Department of Mental Health and Substance Abuse for Fiscal Year 2009 for outsourcing
2 of drug and alcohol detoxification, rehabilitation, and prevention services, *provided* that
3 the expenditure of such funds shall comply with Title 48 USC §1421b(p).

4 **Section 29. Single Audit Report on Tourist Attraction Fund.** The sum of
5 Eighteen Thousand Dollars (\$18,000) is appropriated from the Tourist Attraction Fund to
6 the Department of Administration for the Fiscal Year 2008 Audit of the Government of
7 Guam's Tourist Attraction Fund Financial Statement and Single Audit Report. The
8 Public Auditor shall administer said funds and shall oversee the annual audit.

9 **Section 30. Single Audit Report on Guam Highway Fund.** The sum of
10 Eighteen Thousand Dollars (\$18,000) is appropriated from the Guam Highway Fund to
11 the Department of Administration for the Fiscal Year 2008 Audit of the Government of
12 Guam's Highway Fund Financial Statement and Single Audit Report. The Public
13 Auditor shall administer said funds and shall oversee the annual audit.

14 **Section 31. Maintenance and Repair of Public Restrooms.** The sum of Five
15 Hundred Thousand Dollars (\$500,000) is appropriated from the Tourist Attraction Fund
16 to the Department of Parks and Recreation for the maintenance and repair of restroom
17 facilities in public parks island-wide, purchase of equipment and hiring of lifeguards for
18 Fiscal Year 2009.

19 **Section 32. Youth Program Appropriation.** The sum of Three Hundred
20 Ninety Four Thousand Six Hundred Sixty Two Dollars (\$394,662) is appropriated from
21 the General Fund for Fiscal Year 2009 to the Department of Youth Affairs (DYA) to
22 fund programs contracted out to non-governmental organizations for youths who are
23 runaways, homeless, *or* victims of abuse.

1 **Section 33. Residential Treatment Fund.** The sum of One Million One
2 Hundred One Thousand Six Hundred Nineteen Dollars (\$1,101,619) is appropriated from
3 the General Fund to the Department of Administration (DOA) in Fiscal Year 2009 to pay
4 the expenses of persons under the jurisdiction of the Superior Court of Guam who require
5 residential care because of physical, mental *or* emotional disabilities *or* severe emotional
6 disturbances. All such persons and their escorts referred off Guam for treatment and care
7 *shall* submit to the Director of Administration appropriate documentation to justify and
8 receive reimbursement of their travel expenses. The Director of Administration *shall*
9 submit a report to *I Maga'lahañ Guåhan* and the Speaker of *I Liheslaturan Guåhan* a
10 report describing all expenditures made pursuant to this appropriation *no later than* thirty
11 (30) days after the end of each quarter of the fiscal year and post the same on the DOA
12 website.

13 **Section 34. Public Assistance Program.** The sum of One Million Six
14 Hundred Eighty Six Thousand Five Hundred Fifty Two Dollars (\$1,686,552) is
15 appropriated from the General Fund for Fiscal Year 2009 to the Department of Public
16 Health and Social Services for the local match requirement of the Public Assistance
17 Program.

18 **Section 35. Medically Indigent Program (MIP).** The sum of Sixteen
19 Million Eight Hundred One Thousand Four Hundred Thirty Three Dollars (\$16,801,433)
20 is appropriated from the General Fund for Fiscal Year 2009 to the Medically Indigent
21 Program Payment Revolving Fund (MIPPR) for the Medically Indigent Program (MIP).

22 **Section 36. Government Claims Fund.** The sum of One Hundred Thousand
23 Dollars (\$100,000) is appropriated from the General Fund to the Department of

1 Administration for the Government Claims Fund for payment of approved government
2 claims in Fiscal Year 2009. The Director of Administration shall, *no later than* thirty
3 (30) days after the close of each quarter of Fiscal Year 2009, submit to the Speaker of *I*
4 *Liheslaturan Guåhan* a report describing expenditures made pursuant to this
5 appropriation and post the same on the Department's website.

6 **Section 37. Government of Guam's General Purpose Financial Statement**
7 **and Single Audit Report.** The sum of Three Hundred Seventy Five Thousand Five
8 Hundred Twenty Seven Dollars (\$375,527) is appropriated from the General Fund to the
9 Department of Administration for the Fiscal Year 2008 Audit of the Government of
10 Guam's General Purpose Financial Statement and the Single Audit Report. The Public
11 Auditor *shall* administer said funds and *shall* oversee the annual audit.

12 **Section 38. Appropriation to the Worker's Compensation Fund.** The sum
13 of Eight Hundred Twenty One Thousand Dollars (\$821,000) is appropriated from the
14 General Fund to the Department of Labor for the Worker's Compensation Fund for Fiscal
15 Year 2009 for Worker's Compensation payments pursuant to Title 22 GCA §9144,
16 including obligations incurred in past years and in the future. Said appropriation may be
17 used to pay for medical, surgical, and other treatment; nurses; hospital services; medical
18 travel and per diem costs; medicine; crutches; and equipment required by a claimant for
19 such period as his injury and the recovery there from may require. Said appropriation
20 *shall not* be expended for disability compensation payments for FTE's funded by this Act.
21 The Director of Labor may use *no more than* Forty Thousand Dollars (\$40,000) from
22 said appropriation to pay for legal services for Worker's Compensation hearings.

1 **Section 39. Guam Memorial Hospital Authority Pharmaceuticals Fund**

2 **Appropriation.** Pursuant to §§26208 and 26208.1 of Chapter 26, Division 2 of Title 11
3 Guam Code Annotated, the sum of Twelve Million One Hundred Forty Thousand Five
4 Hundred Twenty Five Dollars (\$12,140,525) as appropriated from the General Fund in
5 Chapter II, Section 1, Part IV (E) of this Act is appropriated to the Guam Memorial
6 Hospital Authority Pharmaceuticals Fund for Fiscal Year 2009.

7 **Section 40. Guam Public School System Operations Fund Appropriation.**

8 Pursuant to §§52101 and 52102 of Chapter 52, Division 2 of Title 11 Guam Code
9 Annotated, the sum of One Hundred Seventy Two Million Five Hundred Fifty One
10 Thousand One Hundred Sixty Eight Dollars (\$172,551,160) is appropriated from the
11 General Fund and Nine Million Eight Hundred Twenty Eight Thousand Five Hundred
12 Three Dollars (\$9,828,503) is appropriated from the Territorial Education Facilities Fund
13 in Chapter II, Section 1, Part V (A) of this Act, are appropriated to the Guam Public
14 School System Operations Fund for Fiscal Year 2009.

15 **Section 41. Guam Territorial Band Society.** Of the amount appropriated
16 from the General Fund in Chapter II, Section 1, Part X (B) of this Act, to the Guam
17 Council on the Arts and Humanities Agency (GCAHA), the sum of Twenty Five
18 Thousand Dollars (\$25,000) shall fund the operations of the Guam Territorial Band for
19 Fiscal Year 2009.

20 **Section 42. Federal Matching Grants-In-Aid for Office of the Attorney**

21 **General.** The sum of Three Million Two Hundred Fifty Four Thousand Seven Hundred
22 Twenty Four Dollars (\$3,254,724) is authorized from Federal Matching Grants-in-Aid to
23 the Office of the Attorney General for its operations in Fiscal Year 2009.

1 **Section 43. Unexpended Fund Balance of the Guam Plant Inspection and**
2 **Permit Fund.** The unexpended fund balance as of September 30, 2008 of the Guam
3 Plant Inspection and Permit Fund established pursuant to §73302 of Title 5 Guam Code
4 Annotated is appropriated to the Department of Agriculture for Fiscal Year 2009 for the
5 new Plant Inspection Station.

6 **Section 44. Appropriation to expend Indirect Cost Fees collected for Fiscal**
7 **Year 2009.** The Bureau of Budget and Management Research develops the annual
8 central cost allocation plan and indirect cost rate proposal for the collection of the
9 government of Guam's share of indirect costs associated with administration of Federal
10 grants and contracts. The sum of One Hundred Thirty Six Thousand Six Hundred Eight
11 Dollars (\$136,608) is appropriated from the General Fund, representing 3% of total
12 indirect cost fees collected for Fiscal Year 2009, to the Bureau of Budget and
13 Management Research and the Department of Administration for costs related to
14 negotiating and administering the government of Guam's indirect cost rate.

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CHAPTER IV

MISCELLANEOUS PROVISIONS

Section 1. Retirement Option for Government of Guam Employees. A

member of the Government of Guam Retirement Fund who is eligible for retirement may retire upon the complete remittance of his outstanding individual contributions to the Fund, including the employee and employer retirement contributions. Any and all fees, interest at actuarial rates, and penalties required by the Government of Guam Retirement Fund *shall* be paid by the Government.

This Section *shall* not restrict the continuing remittance of existing Retirement Fund contributions as required by law *or* by the Government of Guam Retirement Fund. By the fifteenth (15th) day of each month, the Director of the Government of Guam Retirement Fund *shall* provide a detailed report to the Speaker of *I Liheslaturan Guåhan* regarding said remittances and the number of retirements pursuant to this Section during the previous month. Nothing herein *shall* be construed to abrogate any provision of Public Law 28-38.

Section 2. Government of Guam Retirement Fund Rate of Contribution. In accordance with §8137(e) of Article 1, Chapter 8 of Title 4 of the Guam Code Annotated, the government rate of contribution to the Retirement Fund throughout Fiscal Year 2009 *shall* be 25.20%.

Section 3. Revenue Tracking Report. The Director of the Bureau of Budget and Management Research, in collaboration with the Director of Revenue and Taxation and the Director of Administration, *shall* determine, *no later than* thirty (30) days after the end of each month of Fiscal Year 2009, the revenue tracking for the

1 balance of the fiscal year, based upon the actual collections of the preceding month, and
2 prepare a statement comparing “actual” and “projected” revenues. Said statement *shall*
3 be certified as to its accuracy by each of the aforementioned Directors, and submitted to
4 the Speaker of *I Liheslaturan Guåhan* no later than thirty (30) days after the end of each
5 month of the fiscal year. Said statements *shall* be submitted in written and electronic
6 format and *shall* be posted quarterly on the Bureau of Budget and Management
7 Research’s website.

8 **Section 4. Autonomous Agency Revenues and Expenditures Reported**
9 **to *I Maga’lahen Guåhan* and *I Liheslaturan Guåhan*.** Notwithstanding any other
10 provision of law, every autonomous and semi-autonomous agency *or* public corporation
11 in the government of Guam *shall* report all revenues and expenditures for all funds under
12 its purview and administration to the *I Maga’lahen Guåhan* and the Speaker of *I*
13 *Liheslaturan Guåhan* on a monthly basis and post the same on its website.

14 **Section 5. Volunteers and Donations for Skinner Plaza, Plaza De**
15 **Espana and Guam Congress Building.** The Executive Director of *I Liheslaturan*
16 *Guåhan* may receive donations, including, but *not* restricted to, donations of goods,
17 materials and services, for the purpose of maintaining and renovating Skinner Plaza, the
18 Plaza De Espana, and the Guam Congress Building (also known as the Old Legislative
19 Building).

20 **Section 6. Special Fund Transfer.** *I Maga’lahen Guåhan* is authorized to
21 transfer to the General Fund any cash available from any appropriated Special Fund *or*
22 Revolving Fund to fund the appropriations authorized by this Act.

1 All cash from Special funds *or* Revolving funds transferred to cover the
2 appropriations authorized by this Act *shall* be promptly reimbursed to the Special *or*
3 Revolving Fund from which it was withdrawn as cash becomes available.

4 *I Maga'lahaen Guåhan shall* submit a report to the Speaker of *I Liheslaturan*
5 *Guåhan* on the fifth (5th) day of every month on all transfers made pursuant to this
6 Section. Said report *shall* enumerate the amount of each transfer, identify the funds to
7 and from which the transfer was made and state the purpose of each transfer.

8 **Section 7. Transfer Authority of *I Maga'lahaen Guåhan*.** *I Maga'lahaen*
9 *Guåhan* is authorized to transfer funds between Fiscal Year 2009 General Fund
10 Executive Branch appropriations, but *shall* not transfer appropriations made to the
11 Judiciary, *I Liheslatura*, and the Office of Finance and Budget.

12 **Section 8. Secondary and Tertiary Road Projects.** *I Maga'lahaen*, after
13 consultation with the Village Mayors, may delete and add secondary and tertiary road
14 repair projects to the list in Part IV of Chapter II of Public Law 28-68, if such amendment
15 is necessitated by changes in cost estimates, availability of funds *or* critical needs,
16 provided that the repair of potholes on primary and secondary roads *shall* remain a high
17 priority and *shall* commence as soon as practicable.

18 **Section 9. Authorization for Legal Services for the Department of**
19 **Public Works.** The Department of Public Works may retain its own attorney, *or* firm of
20 attorneys, to provide such advice and assistance as may be necessary. The Attorney
21 General *shall* represent the Department of Public Works in all litigation in which the
22 Department of Public Works is a party, provided that the Attorney General *shall*

1 designate the attorney employed by the Department pursuant hereto a Special Assistant
2 Attorney General in that litigation.

3 **Section 10. Temporary Employment of Retired Corrections Officers.**

4 The Department of Corrections may hire retired Guam Corrections Officers *if* a critical
5 need arises. Retired corrections officers hired under this Section may receive their
6 retirement annuity while employed on this temporary basis. Officers may *only* be hired
7 under this section only to fill positions left vacant because of military activation of
8 corrections officers filling those positions and *shall* be terminated when the incumbent
9 returns from military service. Retired officers may be hired *only* in the ranks of
10 Corrections Officers Supervisor I, at Step I only, and *shall not* receive sick and annual
11 leave. Officers hired under this section *shall* meet requirements for the position in
12 question *except* for written examinations and the Director of Corrections *shall* certify that
13 every retiree hired is fit for duty. Notwithstanding Title 4 GCA §8121(a), a retiree hired
14 pursuant to this Section may continue to receive his annuity.

15 **Section 11. Temporary Employment of Retired Guam Police Officers.**

16 The Guam Police Department may hire retired Guam Police Officers *if* a critical need
17 arises because of military activation of police officers. The retiree hired *shall* fill such a
18 vacant position and shall be terminated when the incumbent returns from military service.
19 Retired officers may be hired *only* at the ranks of Sergeant I and below, *only* at Step I,
20 and shall not receive sick and annual leave. Officers hired under this Section shall first
21 meet the requirements, except for written examinations, for the position in question and
22 the Chief of Police shall certify that every retiree hired is fit for duty. Notwithstanding

1 Title 4 GCA §8121(a), retirees hired temporarily pursuant to this Section hereto may
2 continue to receive retirement benefits.

3 **Section 12. Temporary Employment of Retired Guam Firemen.** The
4 Guam Fire Department (GFD) may hire retired GFD firefighters *if* a critical need arises
5 because of military activation of GFD firefighters. The retirees hired *shall* fill such a
6 vacant position and shall be terminated when the incumbent returns from military service.
7 Retired fire personnel may be hired only at the ranks of Fire Specialist and below, only at
8 Step I, and shall not receive sick and annual leave. Retired firefighters hired under this
9 Section shall first meet the requirements, except for written examinations, for the position
10 in question and the Fire Chief shall certify that every retiree hired is fit for duty.
11 Notwithstanding Title 4 GCA §8121(a), retirees hired temporarily pursuant to this
12 Section hereto may continue to receive retirement benefits.

13 **Section 13. Temporary Employment of Retired Customs and Quarantine**
14 **Officers.** The Customs and Quarantine Agency may hire retired Customs and
15 Quarantine Officers when a critical need arises as a result of military activation of
16 Customs officers *or* when vacancies cannot be filled within six (6) months because of the
17 lack of qualified applicants. The retired officer *shall* fill such a vacant position and *shall*
18 be terminated when the incumbent returns from military service *or* when a fully-qualified
19 applicant is available. Retired officers may be hired *only* in the ranks of Customs Officer
20 III and below, only at Step I, and *shall* not receive sick and annual leave. Retirees hired
21 pursuant to this Section *shall* meet requirements for the position in question, *except* for
22 written examinations, and the Director of Customs *shall* certify that every retiree hired is
23 fit for duty. The requirements of Title 17, Article 3, Chapter 32 are waived for

1 employment pursuant hereto *except* for §32304(b)(4). Notwithstanding Title 4 GCA
2 §8121(a), retirees hired temporarily pursuant hereto may continue to receive their
3 retirement benefits.

4 **Section 14. Temporary Employment of Retired Department of Revenue**
5 **and Taxation Employees.** The Department of Revenue & Taxation may hire retired
6 employees of the Department of Revenue & Taxation when a critical need arises in the
7 areas of Tax Collection, Taxpayer Assistance, Tax Investigation, Auditing, and Tax
8 Processing. Said retirees *shall* be hired at Step I for the position in question and *shall* not
9 receive sick and annual leave. Notwithstanding Title 4 GCA §8121(a), retirees hired
10 temporarily pursuant hereto may continue to receive their retirement benefits.

11 **Section 15. Locum Tenens Exemption during the Absence of the Chief**
12 **Medical Examiner.** The Office of the Chief Medical Examiner is exempt from the
13 government of Guam Procurement Law in contracting for the professional services of a
14 qualified medical examiner to be provided when the Chief Medical Examiner is absent
15 from work.

16 **Section 16. Advance Payments for Medical Services.** In order to expedite
17 acceptance of MIP clients by facilities in California, Hawaii or Manila for medical
18 treatment approved by the Medically Indigent Program, the Director of Public Health and
19 Social Services may advance payments for said medical treatment, and may establish
20 escrow accounts for immediate and advance payment of medical treatment at those Joint
21 Commission Accredited hospitals determined by the Director to be best able to serve
22 Medically Indigent Program clients.

1 **Section 17. Land Survey Revolving Fund (LSRF) Appropriation**

2 **Provision.** Notwithstanding §60602, Chapter 60 of Title 21 GCA, the appropriation
3 made from the Land Survey Revolving Fund to the Department of Land Management by
4 Section 1, Part VII (D) of Chapter II of this Act may be expended for the Department of
5 Land Management's Fiscal Year 2009 operations.

6 **Section 18. Transfer of Employees.** Notwithstanding any other provision of
7 law, and in recognition of personnel shortages in certain areas, *I Maga'lahaen Guåhan* is
8 authorized to transfer employees within *or* between any department *or* agency of the
9 government of Guam, *except* that:

10 (a) This Section shall *not* apply to any employee of the Legislative *or* Judicial
11 Branches of government;

12 (b) The transfer of an employee shall *not* result in a loss of pay *or* salary;

13 (c) No employee shall be transferred if the employee has filed a viable
14 grievance with the Civil Service Commission for discrimination based on political
15 affiliation, gender, *or* sexual harassment, *unless* the employee consents to said transfer;

16 (d) No employee of an autonomous agency may be transferred to a line
17 department *or* agency;

18 (e) *I Maga'lahaen* shall transfer the funding authorized for that employee's
19 position from the transferor agency to the transferee agency, including GMHA, DPHSS,
20 DMHSA, unless the transfer is from a line agency to an autonomous agency; and

21 (f) This Section shall *not* be used to transfer employees acting in good faith
22 who report *or* expose bad business practices, illegal activities, *or* inappropriate conduct
23 by public officials.

1 **Section 19. Moratorium on Compensation for Boards and Commissions.**

2 Notwithstanding any other provision of law, rule, or regulation, except for the Civil
3 Service Commission, the Guam Education Policy Board, and the Consolidated
4 Commission on Utilities, a moratorium is hereby placed on the compensation of all
5 members of government boards and commissions for their attendance at hearings or
6 meetings, through the end of Fiscal Year 2009.

7 **Section 20. Independent Contractors.** The Office of *I Maga 'lahi*, the Office
8 of *I Segundu Na Maga 'lahen Guåhan* and the Guam State Clearinghouse may enter into
9 agreements with independent contractors pursuant to Guam procurement laws.

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

13 **Section 22. Waiver of Economic Impact Statements for Proposed**
14 **Departmental Fee Increases.** Notwithstanding any other provisions of law, subsections
15 (d), (e), (f), (h) and (j) of Subsection 9301 of Chapter 9, Title 5, of the Guam Code
16 Annotated are hereby waived for the Department of Revenue and Taxation, Guam Fire
17 Department, Department of Parks and Recreation, Department of Land Management,
18 Contractors License Board, Department of Mental Health and Substance Abuse, and the
19 Guam Police Department in these departments' implementation of fee increases for
20 established fees and for the establishment of new fees in Fiscal Year 2009.

21 **Section 23. Contracts.** (a) *Except* for positions filled in accordance with the
22 merit system at the University of Guam, the Guam Community College, the Guam Public
23 School System, the Judiciary of Guam, the Department of Law, the Guam Police

1 Department, *I Liheslaturan Guåhan*, and licensed health professionals at the Guam
2 Memorial Hospital, the Department of Public Health and Social Services and the
3 Department of Mental Health and Substance Abuse, positions in the classified and
4 unclassified service *shall* not be filled pursuant to a contractual arrangement. The
5 Judiciary may hire judges and justices pro tem, law clerks and legal interns by contract.
6 The University of Guam, the Guam Public School System and the Guam Community
7 College may hire retired faculty by contract.

8 **(b)** Subject to Title 5 GCA Chapter 5, government of Guam departments and
9 agencies may contract with independent contractors, provided that *no* agency may
10 contract for services customarily provided by employees in the classified service *except*
11 as permitted by law.

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

17 **(d)** The Attorney General may contract with attorneys as independent
18 contractors who can provide assistance in areas in which it is impracticable for the
19 Department of Law to proceed with its existing civil service attorneys such as anti-trust,
20 maritime and admiralty law, patent and copyright law, prosecution of white collar crime,
21 utilities regulation, the issuance of bonds, special tax issues, and complete civil litigation.
22 The Attorney General *shall* file a copy of every such contract with the Chief Procurement
23 Officer and the Director of Administration together with a written certification stating

1 why it was impracticable to handle the matter with the Department’s civil service
2 attorneys and justifying the hiring of an independent contractor.

3 **Section 24. Repeal of 5 GCA §7118.** Title 5 G.C.A. §7118 is hereby
4 repealed.

5 **Section 25. Amendment to 4 GCA §2103.9(a).** 4 GCA §2103.9(a) is hereby
6 amended to read as follows:

7 “(a) *I Maga’lahen Guåhan* [the Governor] or appointing authority may,
8 by separate appointment, appoint a person in an acting capacity to fill a salaried position
9 which requires the advice and consent of *I Liheslaturan Guåhan* [Guam Legislature]. ~~In~~
10 ~~any twelve month period~~, no person may serve in such an acting capacity for a term in
11 excess of one year ~~total of more than ninety (90) days plus three (3) legislative days;~~
12 provided, that no acting director who is not otherwise a classified employee of the
13 government of Guam may serve in the capacity of acting director without the transmittal
14 of such person’s name to *I Liheslaturan Guåhan* for the purpose of confirmation within
15 fifteen (15) days of their appointment as acting director.

16 This Section does not apply to appointments to classified positions, but does
17 apply to classified employees appointed in an acting capacity to a position requiring the
18 advice and consent of *I Liheslaturan Guåhan*.”

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CHAPTER VII

ADMINISTRATIVE PROVISIONS

Section 1. Authorization for Matching Requirements for Federal Grants-

In-Aid. All departments are authorized to expend funds appropriated in this Act for matching requirements of Federal grants.

Section 2. Carryover of Local and Federal Matching Program Funds

for Grants. The Local and Federal Matching Funds for programs whose expiration dates extend *beyond* September 30, 2009 *shall* not lapse and may be expended throughout the period of the grant award.

Section 3. Reporting Requirements for Non-Profit Organizations. All

non-profit organizations that receive funds pursuant to this Act *shall* maintain financial records that accurately account for said funds and *shall* provide a budgetary breakdown by object category to the department *or* agency that oversees the appropriation. The non-profit organization *shall* also provide to said department:

(a) A quarterly report describing its activities during the reporting period and the results it achieved *no later than* twenty (20) days after the end of each quarter;

(b) Notification of all procurement of equipment and services of Five Thousand Dollars (\$5,000) *or* more prior to awarding the contract therefor;

(c) Access to the overseeing department *or* agency's duly authorized representative, and Government of Guam auditors, to appropriate records

1 for the purpose of audit and examination of books, documents, papers and
2 records of funds expended under the appropriation;

3 (d) Submission of a detailed inventory listing of each year's purchases,
4 as certified by its certifying officer; and

5 (e) A Final Report to the overseeing department *or* agency for
6 submission to *I Liheslaturan Guåhan* containing a full disclosure of all
7 expenditures of funds appropriated by this Act *no later than* November 15,
8 2009. The overseeing department *or* agency *shall* post the same on its
9 website.

10 (f) Non-compliance with these reporting requirements will subject the
11 non-profit organization to a three percent (3%) reduction of its
12 appropriation(s) and the overseeing agency's contract with the
13 organization *shall* so provide.

14 **Section 4. Appropriations from the Guam Contractors License Board**
15 **Fund and Professional Engineers, Architects and Land Surveyors Board Fund to**
16 **revert to the General Fund for Fiscal Year 2009.** At the end of Fiscal Year 2009, any
17 unexpended *or* unencumbered appropriations to the Guam Contractors License Board
18 (GCLB) Fund and the Professional Engineers, Architects and Land Surveyors (PEALS)
19 Board Fund *shall* revert to the General Fund. Any revenues collected in excess of the
20 appropriations to these funds *shall* revert to the General Fund.

21 **Section 5.** *Unless* otherwise specified in this Act:

1 **(a) General Fund Reversion.** All unexpended *or* unencumbered
2 appropriations made from the General Fund pursuant to this Act *shall* revert to the
3 General Fund on the last day of Fiscal Year 2009;

4 **(b) Tourist Attraction Fund Reversion.** All unexpended *or*
5 unencumbered appropriations made from the Tourist Attraction Fund pursuant to
6 this Act *shall* revert to the Tourist Attraction Fund on the last day of Fiscal Year
7 2009.

8 **(c) Healthy Futures Fund Reversion.** All unexpended *or*
9 unencumbered appropriations made from the Healthy Futures Fund pursuant to
10 this Act *shall* revert to the Healthy Futures Fund on the last day of Fiscal Year
11 2009.

12 **Section 6. Restriction on the Home Use of Government of Guam**
13 **Vehicles.** Except when *expressly* permitted by Title 4 GCA §1103(c), *no* government of
14 Guam owned, leased *or* rented vehicles may be driven home by an employee *unless* such
15 employee is on call as an emergency first responder.

16 **Section 7. Authorization for Payment of Prior Years' Obligations.**
17 Appropriations made in this Act may be expended for the payment of prior years'
18 obligations.

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