

I MINA'TRENTA NA LIHESLATURAN GUÅHAN
THIRTIETH GUAM LEGISLATURE
2009 (FIRST) REGULAR SESSION

BILL NO. 58(COR)

Introduced by:

Committee on Rules, Natural Resources
and Federal, Foreign & Micronesian Affairs

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

2009 FEB -9 AM 11:19

AN ACT MAKING APPROPRIATIONS FOR THE OPERATIONS
OF THE EXECUTIVE BRANCH OF THE GOVERNMENT OF
GUAM FOR FISCAL YEAR ENDING SEPTEMBER 30, 2010 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 2010*". *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, 2009 but *no*
7 *later than* September 30, 2010. *If* any appropriation in this Act is found contrary to
8 federal law, all other portions of this Act *shall* remain valid.

9 Section 2. Estimated Revenues for Fiscal Year 2010. *I Liheslaturan Guåhan*,
10 the Guam Legislature, adopts the following revenue estimates for Fiscal Year 2010 as the
11 basis for the appropriations contained in this Act.

1	I. GENERAL FUND REVENUES	<u>AMOUNT</u>
2	A. TAXES	
3	Income Tax	
4	Corporate	\$91,745,168
5	Individual	\$97,356,978
6	Withholding Taxes, Interest and Penalties	\$163,778,358
7	Provision for Tax Refund	(\$92,600,000)
8	TOTAL INCOME TAXES	\$260,280,504
9	Business Privilege Tax	\$211,489,403
10	Other Taxes	<u>\$6,774,267</u>
11	TOTAL TAXES	\$478,544,174
12	B. FEDERAL SOURCES	\$42,479,346
13	Federal Income Tax Collection (Section 30 Funds);	
14	Immigration Fees and Indirect Cost	
15	C. USE OF MONEY AND PROPERTY	\$1,717,941
16	D. LICENSES, FEES AND PERMITS	\$8,841,299
17	E. DEPARTMENT CHARGES	\$1,329,260
18	TOTAL GENERAL FUND REVENUE	\$532,912,020
19	II. SPECIAL FUND REVENUES APPROPRIATED IN THIS ACT	
20	A. Air Pollution Control Special Fund	\$328,394
21	B. Better Public Service Fund	1,458,254
22	C. Chamorro Land Trust Operations Fund	570,988
23	D. Corrections Revolving Fund	1,232,690

1	E. Customs, Agriculture and Quarantine Inspection	
2	Services Fund	8,273,770
3	F. Enhanced 911 Emergency Reporting System Fund	1,477,080
4	G. Environmental Health Fund	673,718
5	H. Fire, Life and Medical Emergency Fund	20,991
6	I. Guam Contractors License Board Fund	702,102
7	J. Guam Environmental Trust Fund	290,589
8	K. Guam Highway Fund	19,813,027
9	L. Guam Plant Inspection and Permit Fund	91,465
10	M. Healthy Futures Fund	8,630,185
11	N. Land Survey Revolving Fund	3,542,117
12	O. Manpower Development Fund	1,180,523
13	P. Police Services Fund	522,767
14	Q. Professional Engineers, Architects and	
15	Land Surveyors Board Fund	193,235
16	R. Public Recreation Services Fund	187,775
17	S. Safe Streets Fund	195,410
18	T. School Lunch/SAE/Child Nutritional Meal	
19	Reimbursement Fund	7,500,000
20	U. Solid Waste Operations Fund	5,985,409
21	V. Street Light Fund	3,336,038
22	W. Territorial Education Facilities Fund	20,179,223

1	X. Tourist Attraction Fund	20,904,955
2	Y. Water Protection Fund	86,724
3	Z. Water Research and Development Fund	<u>90,653</u>
4	TOTAL SPECIAL FUND REVENUE	\$107,468,082
5	III. FEDERAL MATCHING GRANTS-IN-AID REVENUES	
6	Federal Grants-In-Aid Requiring Local Match:	
7	A. Administration (GMTA)	\$971,000
8	B. Agriculture	455,600
9	C. Guam Council on the Arts and Humanities Agency	281,300
10	D. Guam Police	761,100
11	E. Integrated Services for Individuals with Disabilities	2,992,651
12	F. Labor	36,600
13	G. Law	3,245,124
14	H. Military Affairs	1,097,000
15	I. Public Health and Social Services	25,236,641
16	J. University of Guam	<u>2,580,448</u>
17	TOTAL FEDERAL MATCHING GRANTS-IN-	
18	AID REVENUE	\$37,657,464
19	REVENUE SUMMARY:	
20	TOTAL GENERAL FUND REVENUE	\$532,912,020
21	TOTAL SPECIAL FUND REVENUE	\$107,468,082
22	TOTAL FEDERAL MATCHING GRANTS-IN-	
23	AID REVENUE	<u>\$37,657,464</u>

1	GRAND TOTAL	\$678,037,566
2	Section 3. Debt Service Continuing Appropriation. The following are	
3	continuing appropriations for debt service requirements:	
4	A. GENERAL OBLIGATION BONDS, SERIES 1993 A	
5	(For education capital projects; Real Property Taxes pledged;	
6	due FY 2018 as final year; P.L. 29-19 and P.L. 29-21, net	
7	of UOG Bond Payment Obligation \$2,028,008)	\$2,894,049 1/
8	1/ Territorial Education Facilities Fund	
9	B. LIMITED OBLIGATION HIGHWAY REFUNDING	
10	BOND 2001 SERIES A	
11	(P.L. No. 24-70; due FY 2012 as the final year;	
12	source of payment from Liquid Fuel Taxes)	\$6,030,775 2/
13	2/ Guam Highway Fund	
14	C. LIMITED OBLIGATION (SECTION 30) BONDS	
15	SERIES A, 2001 (SECTION 30 FUNDS)	
16	(Water System Revenue Bond; P.L. 26-58, amended	
17	by P.L. 26-59; Section 30 fund pledged; due FY 2012	
18	as final year)	\$9,822,288 3/
19	3/ Section 30 Funds (General Fund)	
20	D. 2002 SHORT TERM FINANCING (SECTION 30 FUNDS)	
21	(Line of Credit; P.L. 26-84 amended by P.L. 26-122	
22	and P.L. 26-130; due FY 2012 as the final year; source	
23	of payment Section 30 Funds)	\$ 1,281,818 4/
24	4/ Section 30 Funds (General Fund)	

1	E. LIMITED OBLIGATION INFRASTRUCTURE	
2	IMPROVEMENT BONDS, 1997 SERIES A (TAF)	
3	(Tumon Redevelopment; payment from the Tourist	
4	Attraction Fund, pursuant to P.L. 24-111)	\$6,657,176 5/
5	5/ Tourist Attraction Fund	
6	F. 2008 SHORT TERM FINANCING	
7	(Line of Credit; P.L. 29-69 amended by P.L. 29-82 &	
8	P.L. 29-87; due FY 2012 as the final year; source of	
9	payment General Fund, secondary Section 30 Funds)	\$ 4,202,213 6/
10	6/ General Fund	
11	G. GENERAL OBLIGATION BONDS, SERIES 2007 A	
12	(Partial refunding of GOB, 1993 Series A, funding capital	
13	projects and certain obligations of the Government of Guam;	
14	due FY 2037 as final year; P.L. 29-19, and P.L. 29-21)	\$ 7,874,700 7/
15	7/ Territorial Education Facilities Fund	
16	H. 2009 TERM FINANCING	
17	(To finance initial cost for the new landfill; P.L. 29-124;	
18	Due FY 2029 as final year; source of payment Solid Waste	
19	Tipping Fees, secondary Section 30 Funds)	<u>\$ 2,064,584</u> 8/
20	8/ Primary Solid Waste Tipping Fees, Secondary Section 30 Funds	
21	GRAND TOTAL	\$40,827,603
22		

1 **CHAPTER II**

2 **APPROPRIATIONS FOR EXECUTIVE BRANCH OPERATIONS**

3 **Section 1. Executive Branch Appropriations.** Four Hundred Sixty Two
4 Million Four Hundred Ninety Nine Thousand Six Hundred Fifty Seven Dollars
5 **(\$462,499,657)** are appropriated for the operations of the Executive Branch for fiscal year
6 ending September 30, 2010. This sum is composed of Three Hundred Sixty Seven
7 Million Six Hundred Fifty One Thousand Nine Hundred Forty Four Dollars
8 **(\$367,651,944)** from the General Fund; Sixty Million Four Hundred Thirty Five
9 Thousand Three Hundred Seventy Three Dollars **(\$60,435,373)** from Special Funds; and
10 Thirty Four Million Four Hundred Twelve Thousand Three Hundred Forty Dollars
11 **(\$34,412,340)** from Federal Matching Grants-in-Aid. The appropriation shall be
12 expended as follows:

	General	Special	Federal Fund	Total
	Fund	Fund	Match	
I. EXECUTIVE DIRECTION				
A. Office of I Maga'lahaen				
Guåhan and I Segundu				
Na Maga'lahaen Guåhan	\$6,210,907			\$6,210,907
B. Bureau of Budget and				
Management Research	1,405,700			1,405,700
C. Bureau of Statistics				
and Plans	1,141,500			1,141,500
D. Military Affairs	590,188		\$1,097,000	1,687,188

	General	Special	Federal Fund	Total
	Fund	Fund	Match	
1				
2				
3	E. Veterans Affairs	275,791		275,791
4	F. Civil Service			
5	Commission	692,240		692,240
6	G. Guam Election			
7	Commission	337,639		337,639
8	H. Commission on			
9	Decolonization	177,737		177,737
10	TOTAL EXECUTIVE			
11	DIRECTION	\$10,831,702	\$	\$1,097,000
12	II. PUBLIC SAFETY			
13	A. Guam Police	24,353,518	522,767 1/	761,100
14	B. Guam Fire	24,173,063	1,498,071 2/	25,671,134
15	C. Corrections	17,032,740	1,328,690 3/	18,361,430
16	D. Youth Affairs	3,709,421	300,000 4/	4,009,421
17	E. Chief Medical			
18	Examiner	389,322		389,322
19	TOTAL PUBLIC			
20	SAFETY	\$69,658,064	\$3,649,528	\$761,100
21				\$74,068,692

	General	Special	Federal Fund	Total
	Fund	Fund	Match	
III. HOMELAND SECURITY				
A. Customs and				
Quarantine		8,273,770 5/		8,273,770
TOTAL HOMELAND				
SECURITY	\$	\$8,273,770	\$	\$8,273,770
IV. HEALTH				
A. Integrated Services for Individuals				
with Disabilities	780,502	510,499 4/	2,992,651	4,283,652
B. Medical Referral				
Offices	671,398			671,398
C. Mental Health and				
Substance Abuse	8,593,773	1,680,150 4/		10,273,923
D. Public Health and				
Social Services	14,770,231	6,114,919 6/	25,236,641	46,121,791
E. Guam Memorial				
Hospital Authority	13,091,194			13,091,194
TOTAL HEALTH	\$37,907,098	\$8,305,568	\$28,229,292	\$74,441,958
V. EDUCATION				
A. Guam Public School				
System	169,516,690	16,910,474 7/		186,427,164
B. University of Guam	27,148,016		2,580,448	29,728,464

	General	Special	Federal Fund	Total
	Fund	Fund	Match	
3	C. Guam Community			
4	College	13,278,499		13,278,499
5	D. Guam Educational Telecommunications			
6	Corporation	604,058		604,058
7	E. Guam Public Library	1,650,057		1,650,057
8	TOTAL EDUCATION	\$212,197,320	\$16,910,474	\$2,580,448
9	VI. FINANCE AND ADMINISTRATION			
10	A. Administration	8,440,101		8,440,101
11	TOTAL FINANCE AND			
12	ADMINISTRATION	\$8,440,101	\$	\$
13	VII. NATURAL RESOURCES			
14	A. Agriculture	2,584,537	91,465 8/	455,600
15	B. Chamorro Land Trust			
16	Commission		570,988 9/	570,988
17	C. Guam Environmental			
18	Protection Agency		796,360 10/	796,360
19	D. Land Management		3,542,117 11/	3,542,117
20	E. Ancestral Lands			
21	Commission	235,254		235,254
22	F. Parks and Recreation	3,400,445	187,775 12/	3,588,220

	General	Special	Federal Fund	Total	
	Fund	Fund	Match		
3	TOTAL NATURAL				
4	RESOURCES	\$6,220,236	\$5,188,705	\$455,600	\$11,864,541
5	VIII. LABOR				
6	A. Contractor's License				
7	Board		702,102 13/		702,102
8	B. Licensing and Professional				
9	Labor Regulations				
10	(PEALS, etc.)		193,235 14/		193,235
11	C. Labor	1,399,152	354,156 15/	36,600	1,789,908
12	TOTAL LABOR	\$1,399,152	\$1,249,493	\$36,600	\$2,685,245
13	IX. TOURISM AND CULTURE				
14	A. Cultural Heritage and the Arts (Chamorro				
15	Affairs, etc.)	1,031,628			1,031,628
16	B. Guam Council on the Arts and Humanities				
17	Agency	364,986		281,300	646,286
18	TOTAL TOURISM AND				
19	CULTURE	\$1,396,614	\$	\$281,300	\$1,677,914
20	X. TRANSPORTATION				
21	A. Public Works	10,732,869	11,899,581 16/		22,632,450
22	B. Guam Mass Transit				
23	Authority/DOA		3,500,000 17/	971,000	4,471,000

	General	Special	Federal Fund	Total
	Fund	Fund	Match	
3 TOTAL				
4 TRANSPORTATION	\$10,732,869	\$15,399,581	\$971,000	\$27,103,450
5 XI. REVENUE AND TAXATION				
6 A. Revenue & Taxation	8,868,788	1,458,254	18/	10,327,042
7 TOTAL REVENUE AND				
8 TAXATION	\$8,868,788	\$1,458,254	\$	\$10,327,042
9 GRAND TOTAL	\$367,651,944	\$60,435,373	\$34,412,340	\$462,499,657

10 NOTES:

- 11 1/ Police Services Fund**
- 12 2/ Enhanced 911 Emergency Reporting System Fund (\$1,477,080) and Fire, Life and**
- 13 Medical Emergency Fund (\$20,991)**
- 14 3/ Corrections Revolving Fund (\$1,232,690) and Safe Streets Fund (\$96,000)**
- 15 4/ Healthy Futures Fund**
- 16 5/ Customs, Agriculture and Quarantine Inspection Services Fund**
- 17 6/ Environmental Health Fund (\$673,718) and Healthy Futures Fund (\$5,441,201)**
- 18 7/ School Lunch/SAE/Child Nutritional Meal Reimbursement Fund (\$7,500,000)**
- 19 and Territorial Education Facilities Fund (\$9,410,474)**
- 20 8/ Guam Plant Inspection and Permit Fund**
- 21 9/ Chamorro Land Trust Operations Fund**
- 22 10/ Air Pollution Control Special Fund (\$328,394); Guam Environmental Trust Fund**
- 23 (\$290,589); Water Research & Development Fund (\$90,653); and Water Protection**
- 24 Fund (\$86,724)**
- 25 11/ Land Survey Revolving Fund**

- 1 **12/ Public Recreation Services Fund**
- 2 **13/ Guam Contractors License Board Fund**
- 3 **14/ Professional Engineers, Architects and Land Surveyors Board Fund**
- 4 **15/ Manpower Development Fund**
- 5 **16/ Guam Highway Fund (\$7,978,756) and Solid Waste Operations Fund (\$3,920,825)**
- 6 **17/ Guam Highway Fund**
- 7 **18/ Better Public Service Fund**

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 Thirty One Thousand Eight Hundred Forty Six
6 Dollars (**\$131,846**) is appropriated from the General Fund to the University of Guam for
7 Fiscal Year 2010 for the *sole* purpose of funding the continued operations of the
8 Aquaculture Development and Training Center. Said funds *shall* not be transferred or
9 used for any other purpose.

10 **Section 3. Appropriation for WERI's Guam Hydrologic Survey.** The sum
11 of One Hundred Ninety Two Thousand Three Hundred Seven Dollars (**\$192,307**) is
12 appropriated from the General Fund to the University of Guam for Fiscal Year 2010 for
13 the sole purpose of funding the Guam Hydrologic Survey (GHS) administered by the
14 Water and Environmental Research Institute of the Western Pacific (WERI). WERI *shall*
15 continue to administer the GHS for those purposes previously established by Guam law.
16 Such funds shall *not* be transferred *or* used for any other purpose.

17 **Section 4. Appropriation for WERI's Comprehensive Water Resource**
18 **Monitoring Program.** The sum of One Hundred Sixty Three Thousand Eight Hundred
19 Seventeen Dollars (**\$163,817**) is appropriated from the General Fund to the University of
20 Guam for Fiscal Year 2010 to fund the Water and Environmental Research Institute of
21 the Western Pacific (WERI). Such funds *shall* be used for the *sole* purpose of matching
22 the Federal funding for the Comprehensive Water Resource Monitoring Program. WERI
23 *shall* continue to administer the Comprehensive Water Resource Monitoring Program for

1 those purposes previously established by Guam law. Such funds shall *not* be transferred
2 *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 Seventeen Thousand Seven Hundred Twenty
5 Dollars (**\$117,720**) is appropriated from the General Fund to the University of Guam for
6 Fiscal Year 2010 for the College of Natural and Applied Sciences, provided that said
7 amount shall be divided equally between the Northern and Southern Soil and Water
8 Conservation Districts Programs. Such funds shall *not* be transferred *or* used for any
9 other purpose.

10 **Section 6. University of Guam for KPRG (Public Radio).** The sum of
11 Ninety Four Thousand One Hundred Seventy Six Dollars (**\$94,176**) is appropriated from
12 the General Fund to the University of Guam for the KPRG (Public Radio) Fiscal Year
13 2010 operations. The President of the University of Guam shall disburse the funds to
14 KPRG. No later than thirty (30) days after the close of each fiscal quarter of FY 2010,
15 the General Manager of KPRG *shall* submit to the President of the University of Guam,
16 and post on KPRG's website, all reports mandated by this Act.

17 **Section 7. Guam Community College LPN and Vocational Guidance**
18 **Programs.** The sum of Six Hundred Forty Four Thousand Two Hundred Nine Dollars
19 (**\$644,209**) is appropriated from the General Fund to the Guam Community College for
20 Fiscal Year 2010 to support the operations of the Licensed Practical Nursing Program
21 and Vocational Guidance Program.

22 **Section 8. Appropriation to the Guam Community College Lodging**
23 **Management Program/ProStart Program.** The sum of Twenty Four Thousand One

1 Hundred Fifty Four Dollars (**\$24,154**) is appropriated from the Tourist Attraction Fund to
2 the Guam Community College for Fiscal Year 2010 for the Lodging Management
3 Program/ProStart Program. Unexpended funds appropriated for the Guam Community
4 College Lodging Management Program/ProStart Program *shall* not lapse and *shall*
5 remain available for use in succeeding fiscal years until all said sums are expended.

6 **Section 9. Appropriation to the Guam Community College**
7 **Apprenticeship Program.** The sum of Eight Hundred Twenty Six Thousand Three
8 Hundred Sixty Seven Dollars (**\$826,367**) is appropriated from the Manpower
9 Development Fund to the Guam Community College for the Guam Community College
10 Apprenticeship Program for Fiscal Year 2010.

11 **Section 10. Guam Public School System Operations Fund Appropriation.**
12 Pursuant to §§52101 and 52102 of Chapter 52, Division 2 of Title 11 Guam Code
13 Annotated, the sum of One Hundred Sixty Nine Million Five Hundred Sixteen Thousand
14 Six Hundred Ninety Dollars (**\$169,516,690**) is appropriated from the General Fund and
15 Nine Million Four Hundred Ten Thousand Four Hundred Seventy Four Dollars
16 (**\$9,410,474**) is appropriated from the Territorial Education Facilities Fund in Chapter II,
17 Section 1, Part V (A) of this Act, are appropriated to the Guam Public School System
18 Operations Fund for Fiscal Year 2010. This appropriation *shall* be expended in
19 accordance with the cash disbursement schedules required by §52101(b).

20 **Section 11. Interscholastic Sports Fund.** For Fiscal Year 2010, 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 12. Health and Physical Education Activities.** For Fiscal Year 2010,
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 13. Office of the Education *Suruhanu*.** The sum of One Hundred
9 Sixty Three Thousand Forty One Dollars **(\$163,041)** is appropriated from the General
10 Fund to the Office of the Education *Suruhanu* for its operations in Fiscal Year 2010.

11 **Section 14. Summer School.** From the Summer School Fund established
12 pursuant to §6119 of Article 1 of Chapter 6 of Division 1 of Title 17 Guam Code
13 Annotated, such sums as are necessary to fund the operations of the 2010 Summer School
14 Program are appropriated to the Guam Public School System (GPSS). The
15 Superintendent of Education *shall* submit a detailed report to *I Maga'lahaen Guåhan* and
16 the Speaker of *I Liheslaturan Guåhan* regarding the receipt and expenditure of said funds
17 *no later than* thirty (30) days after the close of summer school and post the same on the
18 GPSS website. Such report *shall* include the following:

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

1 **Section 15. Public Assistance Program.** The sum of Two Million One
2 Hundred Twenty Thousand Seven Hundred Forty Eight Dollars (**\$2,120,748**) is
3 appropriated from the General Fund for Fiscal Year 2010 to the Department of Public
4 Health and Social Services for the local match requirement of the Public Assistance
5 Program.

6 **Section 16. Medically Indigent Program (MIP).** The sum of Fifteen Million
7 Eight Hundred Twenty Two Thousand Nine Hundred Seven Dollars (**\$15,822,907**) is
8 appropriated from the General Fund for Fiscal Year 2010 to the Medically Indigent
9 Program Payment Revolving Fund (MIPPR) for the Medically Indigent Program (MIP).

10 **Section 17. Medicaid Program.** The sum of Thirteen Million Nine Hundred
11 Fifty Thousand Seven Hundred Fifty Dollars (**\$13,950,750**) is appropriated from the
12 General Fund to the Department of Public Health and Social Services for Fiscal Year
13 2010 for the local match requirement of the Medicaid Program.

14 **Section 18. Medicines for the Community Health Centers.** The sum of
15 Two Hundred Eighty Two Thousand Five Hundred Twenty Eight Dollars (**\$282,528**) is
16 appropriated from the General Fund to the Department of Public Health and Social
17 Services' Community Health Centers for Fiscal Year 2010 for the purchase of medicines.

18 **Section 19. Enhanced Allotment Plan.** The sum of Four Hundred Forty Two
19 Thousand Three Hundred Forty Seven Dollars (**\$442,347**) is appropriated from the
20 General Fund to the Department of Public Health and Social Services for Fiscal Year
21 2010 for the Enhanced Allotment Plan (Medicaid Part D).

22 **Section 20. MHSA – Detoxification & Rehabilitation Services.** The sum of
23 Five Hundred Sixty Five Thousand Fifty Six Dollars (**\$565,056**) is appropriated from the

1 General Fund to the Department of Mental Health and Substance Abuse for Fiscal Year
2 2010 for outsourcing of drug and alcohol detoxification, rehabilitation, and prevention
3 services, *provided* that the expenditure of such funds shall comply with Title 48 USC
4 §1421b(p).

5 **Section 21. Guam Memorial Hospital Authority Pharmaceuticals Fund**
6 **Appropriation.** Pursuant to §§26208 and 26208.1 of Chapter 26, Division 2 of Title 11
7 Guam Code Annotated, the sum of Thirteen Million Ninety One Thousand One Hundred
8 Ninety Four Dollars (**\$13,091,194**) as appropriated from the General Fund in Chapter II,
9 Section 1, Part IV (E) of this Act is appropriated to the Guam Memorial Hospital
10 Authority Pharmaceuticals Fund for Fiscal Year 2010.

11 **Section 22. Appropriations to Retirees' for Supplemental Annuity**
12 **Benefits and for Other Costs.**

13 (a) The sum of Eleven Million Seven Hundred Thirty Six Thousand One
14 Hundred Twenty Dollars (**\$11,736,120**) is appropriated from the General Fund to the
15 Supplemental Annuity Benefits Special Fund for Fiscal Year 2010 for direct payments to
16 government of Guam retirees who retired *prior* to October 1, 1995, or their survivors, for
17 the continuing payment of Four Thousand Two Hundred Thirty Eight Dollars (\$4,238)
18 per year in supplemental annuity benefits, consisting of the sums of One Thousand Two
19 Hundred Dollars (\$1,200), One Thousand Five Hundred Dollars (\$1,500), Seven
20 Hundred Dollars (\$700), and Eight Hundred Thirty Eight Dollars (\$838) in annual
21 benefits authorized by various General Appropriation Acts.

22 (b) *No* retiree who is eligible for Retiree Supplemental Annuity Benefits
23 provided for in Subsection (a) hereof *shall* receive said Benefits *if* his annual retirement

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

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

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

14 (e) For Fiscal Year 2010, the Guam Power Authority, the A.B. Won Pat
15 International Airport Authority, the Guam Economic Development and Commerce
16 Authority, the Guam Housing Corporation, the Government of Guam Retirement Fund,
17 the Jose D. Leon Guerrero Commercial Port, the Guam Waterworks Authority and the
18 Guam Visitors Bureau *shall* remit to the Department of Administration an amount equal
19 to the number of retirees eligible pursuant to subsection (a) hereof who have retired from
20 that entity multiplied by Four Thousand Two Hundred Thirty Eight Dollars (\$4,238).
21 Said remittances *shall* be paid in two (2) equal installments on *or* before October 10,
22 2009, and April 15, 2010, respectively. Said remittances *shall not* be subject to *I*
23 *Maga'lahaen Guåhan's* transfer authority.

1 **(f)** The sum of Twenty Million Two Hundred Thousand Dollars **(\$20,200,000)**
2 is appropriated from the General Fund to the Government of Guam Retirement Fund to
3 pay the following two (2) items for current retirees for Fiscal Year 2010:

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

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

9 **(g)** For Fiscal Year 2010, the Guam Power Authority, the A.B. Won Pat
10 International Airport Authority, the Guam Economic Development and Commerce
11 Authority, the Guam Housing Corporation, the Government of Guam Retirement Fund,
12 the Jose D. Leon Guerrero Commercial Port, the Guam Waterworks Authority and the
13 Guam Visitors Bureau *shall* remit to the Government of Guam Retirement Fund
14 payments for medical, dental, and life insurance payments for retirees who have retired
15 from those respective agencies. Said remittances *shall* be paid in two (2) equal
16 installments on *or* before October 10, 2009 and on *or* before April 1, 2010, respectively.
17 The agencies' remittances for medical, dental and life insurance mandated herein are *ex*
18 *gratia* payments and are for Fiscal Year 2010 *only*.

19 **(h)** For Fiscal Year 2010, the sum of Six Hundred Eighty Four Thousand
20 Dollars **(\$684,000)** is appropriated from the General Fund to the Government of Guam
21 Retirement Fund to pay the cost of Medicare premiums for government of Guam retirees
22 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 2010, 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 2010, the sum of Four Hundred Fifty Eight Thousand Four
8 Hundred Forty Eight Dollars **(\$458,448)** is appropriated from the General Fund to the
9 Government of Guam Retirement Fund for retirement annuities for former judges and
10 justices of the 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 23. 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, 2008, through September 30, 2009~~] October 1, 2009, through
19 September 30, 2010, 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 24. 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, 2008, and ending on September 30, 2009~~] October 1,
18 2009, and ending on September 30, 2010, 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 25. 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, 2008,~~
19 ~~and ending on September 30, 2009~~] October 1, 2009, and ending on September
20 30, 2010, 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 26. Appropriation for Cost of Living Allowance (COLA).** (a) *I*
14 *Maga'lahaen Guåhan* shall provide, by a single lump sum payment, a “Cost of Living
15 Allowance” (COLA) of One Thousand One Hundred Dollars (\$1,100) to each retiree of
16 the Government of Guam Retirement Fund who is retired as of September 30, 2009, or
17 his survivor. The sum of Seven Million Six Hundred Seventy Thousand Dollars
18 (\$7,670,000) is appropriated from the General Fund to the Department of Administration
19 to pay said Cost of Living Allowance (COLA).

20 (b) The Guam Power Authority, A. B. Won Pat International Airport Authority,
21 the Guam Economic Development and Commerce Authority, the Guam Housing
22 Corporation, the Government of Guam Retirement Fund, the Jose D. Leon Guerrero
23 Commercial Port, the Guam Waterworks Authority and the Guam Visitors Bureau shall

1 pay a “Cost of Living Allowance” (COLA) in a single payment of One Thousand One
2 Hundred Dollars (\$1,100) to every Government of Guam Retirement Fund retiree who
3 retired from each respective aforementioned agency as of September 30, 2009 or his
4 survivor.

5 (c) Each agency mentioned in subsection (b) *shall* reimburse the General
6 Fund for any COLAs paid by the Fund in Fiscal Year 2010 to retirees who have retired
7 from that agency and their survivors.

8 **Section 27. Guam State Clearinghouse.** The sum of Two Hundred Eighty
9 Seven Thousand Three Hundred Twenty Dollars (**\$287,320**) is appropriated from the
10 General Fund to the Guam State Clearinghouse for its operations in Fiscal Year 2010.

11 **Section 28. Court-Appointed Attorney Fees.** The sum of Six Hundred Fifty
12 Nine Thousand Two Hundred Thirty Two Dollars (**\$659,232**) is appropriated from the
13 General Fund for Fiscal Year 2010 to the Judiciary of Guam, for the *sole* purpose of
14 paying court-appointed attorney fees arising from the defense of indigent peoples. Said
15 funds *shall* be deposited into the Judicial Client Services Fund account, as created by
16 Title 7 GCA, Division 1, Chapter 9.6, and *shall not* be subject to any transfer authority.

17 **Section 29. Adult and Juvenile Drug Courts.** The sum of Four Hundred
18 Ninety Eight Thousand Three Hundred Seventy Four Dollars (**\$498,374**) 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 2010.

21 **Section 30. Family Visitation Center.** The sum of Ninety Nine Thousand
22 Four Hundred Ten Dollars (**\$99,410**) is appropriated from the Safe Streets Fund, for
23 Fiscal Year 2010, to the Judiciary of Guam to pay for contractual services for the

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

3 **Section 31. Public Streetlights Appropriations. (a) Special Fund**
4 **Appropriations.** The sum of Three Million Three Hundred Thirty Six Thousand Thirty
5 Eight Dollars (**\$3,336,038**) is appropriated from the Street Light Fund and the sum of
6 Nine Hundred Fifteen Thousand Seven Hundred Fifty Dollars (**\$915,750**) is appropriated
7 from the Guam Highway Fund to the Department of Public Works to pay the Guam
8 Power Authority for the installation and operation of public streetlights in Fiscal Year
9 2010.

10 **(b) General Fund Appropriation.** The sum of One Million Eighty Four
11 Thousand Two Hundred Fifty Dollars (**\$1,084,250**) is appropriated from the General
12 Fund to the Department of Public Works to pay to the Guam Power Authority for the
13 installation and operation of public street lights in Fiscal Year 2010.

14 **Section 32. Support of Child in Custody - 19 GCA §5116.** The sum of Six
15 Hundred Eighty Four Thousand One Hundred Seventy Dollars (**\$684,170**) is appropriated
16 from the General Fund for Fiscal Year 2010 to the Department of Administration for the
17 sole purpose of paying orders of the court pursuant to 19 GCA §5116.

18 **Section 33. Residential Treatment Fund.** The sum of One Million Two
19 Hundred Thousand Dollars (**\$1,200,000**) is appropriated from the General Fund to the
20 Department of Administration (DOA) in Fiscal Year 2010 to pay the expenses of persons
21 under the jurisdiction of the Superior Court of Guam who require residential care because
22 of physical, mental *or* emotional disabilities *or* severe emotional disturbances. All such
23 persons and their escorts referred off Guam for treatment and care *shall* submit to the

1 Director of Administration appropriate documentation to justify and receive
2 reimbursement of their travel expenses. The Director of Administration *shall* submit a
3 report to *I Maga'lahaen Guåhan* and the Speaker of *I Liheslaturan Guåhan* a report
4 describing all expenditures made pursuant to this appropriation *no later than* thirty (30)
5 days after the end of each quarter of the fiscal year and post the same on the DOA
6 website.

7 **Section 34. Government Claims Fund.** The sum of One Hundred Thousand
8 Dollars (**\$100,000**) is appropriated from the General Fund to the Department of
9 Administration for the Government Claims Fund for payment of approved government
10 claims in Fiscal Year 2010. The Director of Administration shall, *no later than* thirty
11 (30) days after the close of each quarter of Fiscal Year 2010, submit to the Speaker of *I*
12 *Liheslaturan Guåhan* a report describing expenditures made pursuant to this
13 appropriation and post the same on the Department's website.

14 **Section 35. Government of Guam's General Purpose Financial Statement**
15 **and Single Audit Report.** The sum of Three Hundred Fifty Three Thousand Six
16 Hundred Fifty Six Dollars (**\$353,656**) is appropriated from the General Fund to the
17 Department of Administration for the Fiscal Year 2009 Audit of the Government of
18 Guam's General Purpose Financial Statement and the Single Audit Report. The Public
19 Auditor *shall* administer said funds and *shall* oversee the annual audit.

20 **Section 36. Single Audit Report on Tourist Attraction Fund.** The sum of
21 Eighteen Thousand Dollars (**\$18,000**) is appropriated from the Tourist Attraction Fund to
22 the Department of Administration for the Fiscal Year 2009 Audit of the Government of

1 Guam's Tourist Attraction Fund Financial Statement and Single Audit Report. The
2 Public Auditor shall administer said funds and shall oversee the annual audit.

3 **Section 37. Single Audit Report on Guam Highway Fund.** The sum of
4 Eighteen Thousand Dollars (**\$18,000**) is appropriated from the Guam Highway Fund to
5 the Department of Administration for the Fiscal Year 2009 Audit of the Government of
6 Guam's Highway Fund Financial Statement and Single Audit Report. The Public
7 Auditor shall administer said funds and shall oversee the annual audit.

8 **Section 38. Maintenance and Repair of Public Restrooms.** The sum of Five
9 Hundred Twenty Thousand One Hundred Sixty Six Dollars (**\$520,166**) is appropriated
10 from the Tourist Attraction Fund to the Department of Parks and Recreation for the
11 maintenance and repair of restroom facilities in public parks island-wide, purchase of
12 equipment and hiring of lifeguards for Fiscal Year 2010.

13 **Section 39. Youth Program Appropriation.** The sum of Three Hundred
14 Seventy One Thousand Six Hundred Seventy Seven Dollars (**\$371,677**) is appropriated
15 from the General Fund for Fiscal Year 2010 to the Department of Youth Affairs (DYA)
16 to fund programs contracted out to non-governmental organizations for youths who are
17 runaways, homeless, *or* victims of abuse.

18 **Section 40. Appropriation to the Worker's Compensation Fund.** The sum
19 of Seven Hundred Ninety Eight Thousand Five Hundred Ninety Three Dollars
20 (**\$798,593**) is appropriated from the General Fund to the Department of Labor for the
21 Worker's Compensation Fund for Fiscal Year 2010 for Worker's Compensation
22 payments pursuant to Title 22 GCA §9144, including obligations incurred in past years
23 and in the future. Said appropriation may be used to pay for medical, surgical, and other

1 treatment; nurses; hospital services; medical travel and per diem costs; medicine;
2 crutches; and equipment required by a claimant for such period as his injury and the
3 recovery there from may require. Said appropriation *shall not* be expended for disability
4 compensation payments for FTE's funded by this Act. The Director of Labor may use *no*
5 *more than* Forty Thousand Dollars (\$40,000) from said appropriation to pay for legal
6 services for Worker's Compensation hearings.

7 **Section 41. Federal Matching Grants-In-Aid for Office of the Attorney**
8 **General.** The sum of Three Million Two Hundred Forty Five Thousand One Hundred
9 Twenty Four Dollars (**\$3,245,124**) is authorized from Federal Matching Grants-in-Aid to
10 the Office of the Attorney General for its operations in Fiscal Year 2010.

11 **Section 42. Consent Decree.** The sum of Two Million Five Hundred Thousand
12 Dollars (**\$2,500,000**) is appropriated from the General Fund to the Department of Public
13 Works for goods and services identified by Gershman, Brickner & Bratton, Inc.
14 (“Receiver”) as necessary to enforce the terms of the Consent Decree in the United States
15 District Court of Guam, Civil Case No. 02-00022.

16 **Section 43. Appropriation to COMRIGHT-21.** The sum of Thirty Thousand
17 Four Hundred Seventy Three Dollars (**\$30,473**) is appropriated from the General Fund to
18 the Bureau of Statistics and Plans for the operations of the Modernization and Rightsizing
19 Commission (COMRIGHT-21) in Fiscal Year 2010.

20 **Section 44. Guam Commission for Educator Certification (GCEC).** The
21 sum of Two Hundred Sixty Nine Thousand Seven Hundred Fifty Two Dollars (**\$269,752**)
22 is appropriated from the General Fund to the Guam Commission for Educator
23 Certification for its operations in Fiscal Year 2010.

1 **Section 45. Appropriation to Expend Indirect Cost Fees Collected for**
2 **Fiscal Year 2010.** The Bureau of Budget and Management Research develops the
3 annual central cost allocation plan and indirect cost rate proposal for the collection of
4 government of Guam's share of indirect costs associated with the administration of
5 Federal grants and contracts, and the Department of Administration ensures this indirect
6 cost rate is applied and charged to the applicable Federal grants and contracts. The sum of
7 Fifty Nine Thousand Four Hundred Seventy Dollars (**\$59,470**) is appropriated from the
8 General Fund to the Bureau of Budget and Management Research, and the sum of Fifty
9 Nine Thousand Four Hundred Sixty Nine Dollars (**\$59,469**) is appropriated from the
10 General Fund to the Department of Administration for costs such as training, supplies and
11 equipment associated with negotiating and administering the government of Guam's
12 indirect cost rate in Fiscal Year 2010.

13 **Section 46. Guam Territorial Band.** The sum of Twenty Five Thousand
14 Dollars (**\$25,000**) of the General Fund appropriation contained in Chapter II, Section 1,
15 Part IX (B) of this Act *shall* be used to fund the operations of the Guam Territorial Band
16 in Fiscal Year 2010.

17 **Section 47. Department of Agriculture – Animal Shelter.** The sum of Fifty
18 Thousand Dollars (**\$50,000**) is appropriated from the General Fund to the Department of
19 Agriculture to fund a contract with a private entity to manage and operate the Yigo
20 Animal Shelter in Fiscal Year 2010.

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

Section 3. Temporary Employment of Retired Corrections Officers. The Department of Corrections may hire retired Guam Corrections Officers *if* a critical

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

11 **Section 4. Temporary Employment of Retired Guam Police Officers.**

12 The Guam Police Department may hire retired Guam Police Officers *if* a critical need
13 arises because of military activation of police officers. The retiree hired *shall* fill such a
14 vacant position and shall be terminated when the incumbent returns from military service.
15 Retired officers may be hired only at the ranks of Sergeant I and below, only at Step I,
16 and shall not receive sick and annual leave. Officers hired under this Section shall first
17 meet the requirements, except for written examinations, for the position in question and
18 the Chief of Police shall certify that every retiree hired is fit for duty. Notwithstanding
19 Title 4 GCA §8121(a), retirees hired temporarily pursuant to this Section hereto may
20 continue to receive retirement benefits.

21 **Section 5. Temporary Employment of Retired Guam Fire Fighters.** The

22 Guam Fire Department (GFD) may hire retired GFD firefighters *if* a critical need arises
23 because of military activation of GFD firefighters. The retirees hired *shall* fill such a

1 vacant position and shall be terminated when the incumbent returns from military service.
2 Retired fire personnel may be hired only at the ranks of Fire Specialist and below, only at
3 Step I, and shall not receive sick and annual leave. Retired firefighters hired under this
4 Section shall first meet the requirements, except for written examinations, for the position
5 in question and the Fire Chief shall certify that every retiree hired is fit for duty.
6 Notwithstanding Title 4 GCA §8121(a), retirees hired temporarily pursuant to this
7 Section hereto may continue to receive retirement benefits.

8 **Section 6. Temporary Employment of Retired Customs and Quarantine**
9 **Officers.** The Customs and Quarantine Agency may hire retired Customs and
10 Quarantine Officers when a critical need arises as a result of military activation of
11 Customs officers *or* when vacancies cannot be filled within six (6) months because of the
12 lack of qualified applicants. The retired officer *shall* fill such a vacant position and *shall*
13 be terminated when the incumbent returns from military service *or* when a fully-qualified
14 applicant is available. Retired officers may be hired *only* in the ranks of Customs Officer
15 III and below, only at Step I, and *shall* not receive sick and annual leave. Retirees hired
16 pursuant to this Section *shall* meet requirements for the position in question, *except* for
17 written examinations, and the Director of Customs *shall* certify that every retiree hired is
18 fit for duty. The requirements of Title 17, Article 3, Chapter 32 are waived for
19 employment pursuant hereto *except* for §32304(b)(4). Notwithstanding Title 4 GCA
20 §8121(a), retirees hired temporarily pursuant hereto may continue to receive their
21 retirement benefits.

22 **Section 7. Temporary Employment of Retired Department of Revenue**
23 **and Taxation Employees.** The Department of Revenue & Taxation may hire retired

1 employees of the Department of Revenue & Taxation when a critical need arises in the
2 areas of Tax Collection, Taxpayer Assistance, Tax Investigation, Auditing, and Tax
3 Processing. Said retirees *shall* be hired at Step I for the position in question and *shall* not
4 receive sick and annual leave. Notwithstanding Title 4 GCA §8121(a), retirees hired
5 temporarily pursuant hereto may continue to receive their retirement benefits.

6 **Section 8. Locum Tenens Exemption during the Absence of the Chief**
7 **Medical Examiner.** The Office of the Chief Medical Examiner is exempt from the
8 government of Guam Procurement Law in contracting for the professional services of a
9 qualified medical examiner to be provided when the Chief Medical Examiner is absent
10 from work.

11 **Section 9. Advance Payments for Medical Services.** In order to expedite
12 acceptance of MIP clients by facilities in California, Hawaii or Manila for medical
13 treatment approved by the Medically Indigent Program, the Director of Public Health and
14 Social Services may advance payments for said medical treatment, and may establish
15 escrow accounts for immediate and advance payment of medical treatment at those Joint
16 Commission Accredited hospitals determined by the Director to be best able to serve
17 Medically Indigent Program clients.

18 **Section 10. Transfer of Employees.** Notwithstanding any other provision of
19 law, and in recognition of personnel shortages in certain areas, *I Maga'lahaen Guåhan* is
20 authorized to transfer employees within *or* between any department *or* agency of the
21 government of Guam, *except* that:

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

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

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

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

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

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

13 **Section 11. Moratorium on Compensation for Boards and Commissions.**

14 Notwithstanding any other provision of law, rule, or regulation, except for the Civil
15 Service Commission, the Guam Education Policy Board, and the Consolidated
16 Commission on Utilities, a moratorium is hereby placed on the compensation of all
17 members of government boards and commissions for their attendance at hearings or
18 meetings, through the end of Fiscal Year 2010.

19 **Section 12. Contracts.** (a) *Except* for positions filled in accordance with the
20 merit system at the University of Guam, the Guam Community College, the Guam Public
21 School System, the Judiciary of Guam, the Department of Law, the Guam Police
22 Department, *I Liheslaturan Guåhan*, and licensed health professionals at the Guam
23 Memorial Hospital, the Department of Public Health and Social Services and the

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

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

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

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

1 **Section 13. Amendment to the Better Public Services Fund.** §161101 (b),
2 Chapter 161 of Title 11, Guam Code Annotated is hereby amended to read as follows:

3 “(b) Ten percent (10%) of all fee and license revenues received by the
4 Department of Revenue and Taxation, to exclude fees and licenses affecting
5 Guam Highway Fund and the Street Light Fund, shall be deposited into said
6 Fund.”

7 **Section 14. Repeal of Article 15 to Chapter 22, Division 2 of Title 5, Guam**
8 **Code Annotated relative to the Indirect Cost Fund.** Article 15 to Chapter 22,
9 Division 2 of Title 5, Guam Code Annotated is hereby repealed in its entirety.

10 **Section 15. Amendment to Comparative Revenue and Expenditure**
11 **Reporting.** §4109 (c) (3), Chapter 4 of Title 5, Guam Code Annotated is hereby
12 amended to read as follows:

13 “(3) Modify *or* withhold the planned expenditures at any time
14 during the appropriation period *if* the Bureau of Budget and Management
15 Research finds that such expenditures are greater than those necessary to
16 execute the programs at the level authorized by *I Maga’lahi* (the
17 Governor) and *I Liheslatura* (the Legislature), *or* that the receipts and
18 surpluses will be insufficient to meet the authorized expenditure levels,
19 provided that no planned expenditures necessary to provide every school
20 student an adequate public education *shall* be modified *or* withheld. The
21 Director of the Bureau of Budget and Management Research, in
22 collaboration with the Director of Revenue and Taxation and the Director
23 of Administration, *shall* determine revenue tracking for every fiscal year

1 based on the actual collections of every preceding month, and prepare
2 monthly Comparative Revenue and Expenditure Analysis Reports that
3 compare the budgeted and actual revenues and departmental program
4 appropriations with expenditures and encumbrances. *If* revenues are
5 tracking below projected revenues for the year, the Bureau of Budget and
6 Management Research *shall* adjust and sequester an amount of the
7 remaining allotments equal to the percentage of revenues that are below
8 the fiscal year's projected revenues. The Director of the Bureau of Budget
9 and Management Research, the Director of Administration, and the
10 Director of Revenue and Taxation *shall* certify said reports, which *shall* be
11 transmitted to *I Maga'lahaen Guåhan* and the Speaker of *I Liheslaturan*
12 *Guåhan no later than ~~fifteen (15) days after the end of each~~ the last day of*
13 *the succeeding month.*"

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

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

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

13 *I Maga’lahen Guåhan shall* submit a report to the Speaker of *I Liheslaturan*
14 *Guåhan* on the fifth (5th) day of every month on all transfers made pursuant to this
15 Section. Said report *shall* enumerate the amount of each transfer, identify the funds to
16 and from which the transfer was made and state the purpose of each transfer.

17 **Section 7. Transfer Authority of I Maga’lahen Guåhan.** *I Maga’lahen*
18 *Guåhan* is authorized to transfer funds between Fiscal Year 2010 General Fund
19 Executive Branch appropriations, but *shall* not transfer appropriations made to the
20 Judiciary, *I Liheslaturan Guåhan*, and the Office of Finance and Budget.

21 **Section 8. Secondary and Tertiary Road Projects.** *I Maga’lahi*, after
22 consultation with the Village Mayors, may delete and add secondary and tertiary road
23 repair projects to the list in Part IV of Chapter II of Public Law 28-68, if such amendment

1 is necessitated by changes in cost estimates, availability of funds *or* critical needs,
2 provided that the repair of potholes on primary and secondary roads *shall* remain a high
3 priority and *shall* commence as soon as practicable.

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

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

10 **Section 11. Reporting Requirements for Non-Profit Organizations.** All
11 non-profit organizations that receive funds pursuant to this Act *shall* maintain financial
12 records that accurately account for said funds and *shall* provide a budgetary breakdown
13 by object category to the department *or* agency that oversees the appropriation. The non-
14 profit organization *shall* also provide to said department:

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

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

21 (c) Access to the overseeing department *or* agency's duly authorized
22 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 2010. 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 12. 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 2010.** At the end of Fiscal Year 2010, 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 13.** *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 2010;

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 2010.

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 2010.

12 **Section 14. 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 15. 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 16. Professional Engineers, Architects and Land Surveyors Board**
20 **Fund Collections.** The Professional Engineers, Architects and Land Surveyors Board is
21 authorized for its Fiscal Year 2010 operations to expend up to the level of revenues
22 collected for the Professional Engineers, Architects and Land Surveyors Board Fund in
23 Fiscal Year 2010.

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 operations in Fiscal Year 2010.

6 **Section 18. Severability.** *If* any provision of this Act or its application to any
7 person or circumstances is held invalid, the invalidity shall *not* affect other provisions or
8 applications of this Act which can be given effect without the invalid provision or
9 application, and to this end the provisions of this Act are severable.