



CARL T. C. GUTIERREZ
GOVERNOR OF GUAM

DEC 22 2001

The Honorable Joanne M. S. Brown
Legislative Secretary
I Mina'Bente Sais na Liheslaturan Guåhan
Twenty-Sixth Guam Legislature
Suite 200
130 Aspinal Street
Hagåtña, Guam 96910

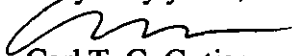
Dear Legislative Secretary Brown:

Enclosed please find Bill No. 245 (COR) "AN ACT TO APPROPRIATE FUNDS FOR EMERGENCY EXPENDITURES RESULTING FROM SUPER TYPHOON FAXAI, TO AUTHORIZE APPROPRIATION LAPSES FOR DMH&SA AND FOR OTHER PURPOSES" which was I have signed into law as **Public Law No. 26-69**.

This legislation authorizes the use of \$250,000 from the General Fund for the purposes of mitigation or expenses directly associated with civil defense, public safety or health emergencies as a result of Super Typhoon Faxai. This legislation also contains an authorization to use personnel services appropriations for contractual, supplies and materials, and equipment categories for the Department of Mental Health and Substance Abuse.


While it should not ever be necessary for legislative sessions to be called for Guam to respond to emergencies such as Super Typhoons, this funding is needed to prepare our island for a possible effects of Super Typhoon Faxai, now tracking near Guam and the Northern Mariana Islands.

Very truly yours,


Carl T. C. Gutierrez
I Maga'Lahen Guåhan
Governor of Guam

Attachments: original bill for vetoed legislation or
copy of bill for signed or overridden legislation
and legislation enacted without signature

cc: The Honorable Antonio R. Unpingco
Speaker

OFFICE OF THE LEGISLATIVE SECRETARY	
ACKNOWLEDGMENT RECEIPT	
Received By	
Time	11:10A
Date	12/24/01

0624

MINA'BENTE SAIS NA LIHESLATURAN GUĀHAN
2001 (FIRST) Regular Session


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

This is to certify that Bill No. 245 (COR) "AN ACT TO APPROPRIATE FUNDS FOR EMERGENCY EXPENDITURES RESULTING FROM SUPER TYPHOON FAXAL, TO AUTHORIZE APPROPRIATION LAPSES FOR DMH&SA AND FOR OTHER PURPOSES," was on the 22nd day of December, 2001, duly and regularly passed.




ANTONIO R. UNPINGCO
Speaker

Attested:



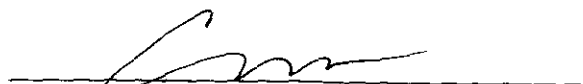
JOANNE M.S. BROWN
Senator and Legislative Secretary

This Act was received by *I Maga'lahaen Guāhan* this 22nd day of Dec -, 2001,
at 6:50 o'clock P.M.



Assistant Staff Officer
Maga'lahi's Office

APPROVED:



CARL T. C. GUTIERREZ
I Maga'lahaen Guāhan

Date: 12-22-01

Public Law No. 26-69

MINA'BENTE SAIS NA LIHESLATURAN GUÅHAN
2001 (FIRST) Regular Session

Bill No. 245 (COR)

As amended on the Floor.

Introduced by:

A. R. Unpingco

J. F. Ada

T. C. Ada

F. B. Aguon, Jr.

J. M.S. Brown

E. B. Calvo

F. P. Camacho

M. C. Charfauros

Mark Forbes

L. F. Kasperbauer

L. A. Leon Guerrero

K. S. Moylan

V. C. Pangelinan

A. L.G. Santos

J. T. Won Pat

**AN ACT TO APPROPRIATE FUNDS FOR
EMERGENCY EXPENDITURES RESULTING
FROM SUPER TYPHOON FAXAI, TO AUTHORIZE
APPROPRIATION LAPSES FOR DMH&SA AND
FOR OTHER PURPOSES.**

1 **BE IT ENACTED BY THE PEOPLE OF GUAM:**

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan*

3 *Guåhan* finds that Super Typhoon Faxai may hit Guam with devastating and

4 destructive winds. It is therefore the intent of *I Mina'Bente Sais Na Liheslaturan*

5 *Guåhan* to *immediately* address this potential situation. This emergency

6 session of *I Mina'Bente Sais Na Liheslaturan Guåhan*, as convened by the

7 Speaker, is called to provide legislative recognition of the impending

1 emergency, the need for emergency funding and the potential need to
2 replenish funds which may have been utilized to secure services or procure
3 material at a moment's notice and where necessary.

4 *I Mina'Bente Sais Na Liheslaturan Guåhan* also recognizes and restates its
5 policy that there will be accountability for all funds expended under this and
6 any emergency declaration.

7 **Section 2. Appropriation Authorization.** The sum of Two Hundred
8 Fifty Thousand Dollars (\$250,000.00) is hereby appropriated from the General
9 Fund to the Office of Civil Defense of the Department of Military Affairs for
10 performance of necessary mitigation or expenses directly associated with civil
11 defense, public safety or health emergencies as a result of Super Typhoon
12 Faxai.

13 Whenever any funds appropriated pursuant to this Act are expended by
14 the Office of Civil Defense of the Department of Military Affairs, *I Maga'lahren*
15 *Guåhan* shall report the expenditure thereunder to *I Liheslaturan Guåhan*
16 within five (5) days.

17 *I Maga'lahren Guåhan's* declaration of an emergency situation by
18 Executive Order shall be required *prior* to any expenditure herein. A copy of
19 the Executive Order shall be sent, *prior* to the expenditure and as a condition
20 thereof, to the Speaker of *I Liheslaturan Guåhan*, and shall contain the facts
21 constituting the basis of the emergency, and the scope of the expenditures
22 authorized thereunder.

1 **Section 3. Reversion.** Any appropriation authorized under this
2 Act which has *not* been encumbered or expended within ninety (90) days of
3 enactment of this Act shall revert back to the General Fund.

4 **Section 4. Reporting Requirement.** *I Maga'lahaen Guåhan* shall
5 prepare a detailed report on all transfers, expenditures and reimbursements
6 by all and any agency or department, and the Mayor's Council, directly
7 related to Super Typhoon Faxai or the funds appropriated herein. All reports
8 required herein shall be submitted to the Speaker of *I Mina'Bente Sais Na*
9 *Lihselaturan Guåhan* within five (5) days of the transfer, expenditure or
10 reimbursement. A closeout report of the expenditures of the funds
11 appropriated herein shall be filed within ninety (90) days of the enactment of
12 this Act.

13 **Section 5. Emergency Procurement.** Notwithstanding any other
14 provision of law, the Mayor's Council of Guam shall, for a period of ten (10)
15 calendar days from the effective date of this Act, be *exempt* from the
16 restrictions in the Guam Procurement Law in § 5215 of Title 5 of the Guam
17 Code Annotated, *Emergency Procurement*, as well as the applicable General
18 Service Agency Procurement Regulations. This emergency procurement shall
19 be subject to the emergency declaration of *I Maga'lahaen Guåhan*, and shall be
20 *only* for the purposes related to Super Typhoon Faxai.

21 **Section 6. Temporary Staging Areas for Super Typhoon Debris.**
22 The mayors of each Village are hereby authorized, in coordination with the
23 Guam Environmental Protection Agency ("GEPA"), to establish *temporary*
24 staging areas for Super Typhoon Faxai debris. The Mayors, in conjunction

1 with the Department of Public Works ("DPW"), shall clear the staging areas
2 established under this Act as soon as practicable.

3 **Section 7. Reimbursement.** Reimbursement of any funds
4 expended under this Act from Federal sources, including the Federal
5 Emergency Management Authority ("FEMA"), and other sources, including
6 insurance policies, shall be returned to the source from which the funds
7 originated, to the extent that Federal laws permit.

8 The Director of the Department of Administration ("DOA") shall
9 maintain detailed accounting records pertaining to the expenditures
10 authorized under this Act, with the *exception* of the Department of Education
11 ("DOE"), the Guam Community College ("GCC"), the University of Guam
12 ("UOG") and all autonomous agencies, which shall maintain their own
13 records.

14 Within thirty (30) days from the receipt of the initial reimbursement
15 from FEMA, and thirty (30) days after each subsequent reimbursement from
16 FEMA, the Director of DOA, DOE, GCC, UOG and the autonomous agencies
17 shall each submit a detailed report of such expenditures and reimbursements
18 authorized under this Act to the Speaker of *I Liheslaturan Guåhan*.

19 **Section 8. Authorization to Transfer Appropriation Lapses within**
20 **DMH&SA.**

21 (a) **Legislative Statement.** The Department of Mental
22 Health and Substance Abuse ("DMH&SA") reported a potential
23 shortfall of One Million Four Hundred Thousand Dollars (\$1,400,000)
24 for its FY2002 operations. It further reported that it could *not* continue

1 the services of part-time psychiatrists after December, 2001 due to
2 shortage of funding in the contractual category for this purpose.

3 The Committee on Ways and Means, in coordination with the
4 Bureau of Budget and Management Research ("BBMR"), conducted a
5 review of the DMH&SA actual expenditures through November 17,
6 2001, as well as its remaining requirements for the fiscal year. The
7 findings indicate that Personnel Services funding would lapse a total of
8 Five Hundred Eighty Thousand Dollars (\$580,000.00) due to vacancies.
9 It further found that its projected shortfall in operations of some Nine
10 Hundred Eight-five Thousand Dollars (\$985,000.00) included prior
11 years' obligations for meals and security services provided by the Guam
12 Memorial Hospital Authority totaling some Two Hundred Eighty-two
13 Thousand Dollars (\$282,000.00).

14 DMH&SA also factored full funding for the child psychiatrist *not*
15 filled during the first quarter of the fiscal year. After reducing for these
16 two (2) areas, the adjusted operations shortfall came to approximately
17 Six Hundred Fifty Thousand Dollars (\$650,000.00). The redirection of
18 Personnel Services lapses to cover remaining operational requirements
19 would suffice the immediate needs of the agency to include five (5) part-
20 time psychiatrists, continued funding for the balance of the fiscal year,
21 projected pharmaceutical and other supplies requirements, and vehicle
22 maintenance for its fleet.

23 **(b) Authorization to Transfer Lapses.** DMH&SA is authorized
24 to transfer appropriation lapses in Personnel Services to the contractual,
25 supplies and materials, and equipment categories contained in pages

1 28-1, 28-2, 28-3 and 28-4 of Appendix B of Public Law Number 26-35, as
2 amended. This transfer authority shall be *without* limit and may be
3 exercised between or among the divisions of Administration, Nursing
4 Services, Clinical Services and Children Adolescent Services.

5 **Section 9. Severability.** *If* any provision of this Law or its
6 application to any person or circumstance is found to be invalid or contrary to
7 law, such invalidity shall *not* affect other provisions or applications of this
8 Law which can be given effect without the invalid provisions or application,
9 and to this end the provisions of this Law are severable.




MINA' BENTE SAIS NA LIHESLATURAN GUÅHAN
TWENTY-SIXTH GUAM LEGISLATURE
155 Hessler Place, Hagåtña, Guam 96910

2001 (FIRST) Regular Session

I, Antonio R. Unpingco, Speaker of *I Mina'Bente Sais Na Liheslaturan Guåhan*, hereby certify, in conformance with Title 2 Guam Code Annotated § 2103, *Public Hearings Mandatory*, as amended, that an emergency condition exists involving danger to the public health, safety and welfare of the People and therefore waive the statutory requirements for a public hearing on Bill Number 245 (COR), "AN ACT TO APPROPRIATE THE SUM OF TWO HUNDRED FIFTY THOUSAND DOLLARS (\$250,000.00) FOR EMERGENCY EXPENDITURES RESULTING FROM TYPHOON FAXAI AND FOR OTHER PURPOSES," which was introduced on this date, December 22, 2001, and therefore waive the statutory requirements for a public hearing on Bill Number 245 (COR).

Dated: December 22, 2001



ANTONIO R. UNPINGCO
Speaker and Presiding Officer




MINA' BENTE SAIS NA LIHESLATURAN GUÅHAN
TWENTY-SIXTH GUAM LEGISLATURE
155 Honaker Place, Hagåtña, Guam 96910

2001 (FIRST) Regular Session

I, Antonio R. Unpingco, Speaker of *I Mina'Bente Sais Na Liheslaturan Guåhan*, hereby certify, in conformance with Title 2 Guam Code Annotated § 2103, *Public Hearings Mandatory*, as amended, that an emergency condition exists involving danger to the public health, safety and welfare of the People and therefore waive the statutory requirements for a public hearing on Bill Number 245 (COR), "AN ACT TO APPROPRIATE THE SUM OF TWO HUNDRED FIFTY THOUSAND DOLLARS (\$250,000.00) FOR EMERGENCY EXPENDITURES RESULTING FROM TYPHOON FAXAI AND FOR OTHER PURPOSES," which was introduced on this date, December 22, 2001, and therefore waive the statutory requirements for a public hearing on Bill Number 245 (COR).

Dated: December 22, 2001



ANTONIO R. UNPINGCO
Speaker and Presiding Officer

6

I MINA' BENTE SAIS NA LIHESLATURAN GUAHAN

2001 (FIRST) Regular Session

Date: 12/22/01

VOTING SHEET

Bill No. 245 (COR)

Resolution No. _____

PL. 69

Question: _____

NAME	YEAS	NAYS	NOT VOTING/ ABSTAINED	OUT DURING ROLL CALL	ABSENT
ADA, Joseph F.	✓				
ADA, Thomas C.	✓				
AGUON, Frank B., Jr.	✓				
BROWN, Joanne M. S.	✓				
CALVO, Eddie B.	✓				
CAMACHO, Felix P.	✓				
CHARFAUROS, Mark C.					✓
FORBES, Mark	✓				
KASPERBAUER, Lawrence F.	✓				
LEON GUERRERO, Lourdes A.	✓				
MOYLAN, Kaleo S.	✓				
PANGELINAN, Vicente C.	✓				
SANTOS, Angel L.G.					✓
UNPINGCO, Antonio R.	✓				
WON PAT, Judith T.					✓

TOTAL

12

3

CERTIFIED TRUE AND CORRECT:

Clerk of the Legislature

* 3 Passes = No vote
EA = Excused Absence



**DEPARTMENT OF MILITARY AFFAIRS
OFFICE OF CIVIL DEFENSE**

Uffsinan Difensia Sibet
P.O. Box 2877
Hagatna, Guam 96932
TEL: (671) 475-9600
FAX: (671) 477-3727



CARL T.C. GUTIERREZ
Governor of Guam
Maga' labi

MG BENNY M. PAULINO
The Adjutant General

MADELEINE Z. BORDALLO
Lt. Governor
Tinente Gubetnadora

JOE G. JAVELLANA III
Acting Administrator

DEC 22 2001

MEMORANDUM

To: Speaker, 26th Guam Legislature

From: Director, Department of Military Affairs

Subject: Request for Funding Consideration: Typhoon Faxai

This is to memorialize the discussions we have had with your Chief of Staff, Mr. Fred Gofigan, regarding the needs and requirements that the executive branch has identified as priorities in mitigating and preparing for Supertyphoon Faxai. Although the direction of the typhoon has shifted further north (as of 1:00 pm, December 22, 2001 forecast) taking Guam out of harm's way, as a precautionary measure we have jointly decided to move forward with this request. In the event that there is a change in its direction, the OCD believes that the government should be prepared for such a threat.

Although Mr. Gofigan requested that the executive branch provide details and language to the possible appropriation, the Governor feels that it is a legislative function and thus should be developed by the Legislature. However, to assist in the process, the OCD has identified the following areas of concern and the associated cost involved with the response. Please note the following concerns that we feel should be addressed in the legislation:

- Overtime (Information not available)
- Heavy equipment rental (DPW - \$123,200.00)
- Supplies and Materials (Information not available)
- DOE Typhoon Shelter preparations (Information not available)
- Lodging for displaced residents in the event of potential flash floods. (\$140,000.00)

Based on the above information and taking into account factors that are not available, the OCD recommends an amount of \$500,000.00. As always, the OCD will monitor and control all requisitions and expenses and will provide periodic updates to the Legislature.

Based on the above information and taking into account factors that are not available, the OCD recommends an amount of \$500,000.00. As always, the OCD will monitor and control all requisitions and expenses and will provide periodic updates to the Legislature.

I thank you in advance for your assistance regarding this important matter. Should you have any questions or require additional information, please call me or OCD Administrator Joe Javellana at 475-9600.

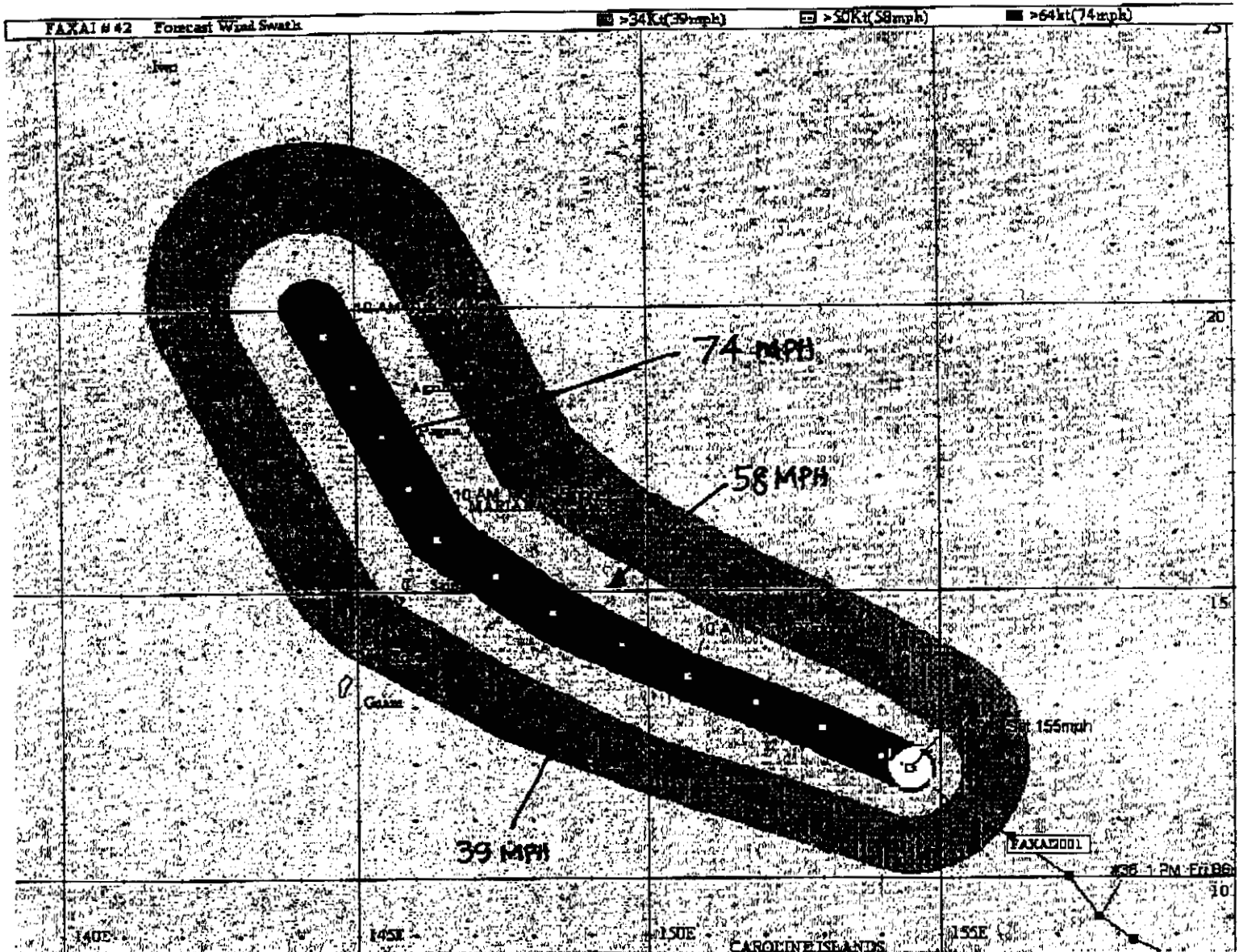


Benny M. Paulino
The Adjutant General

cc: **The Governor**
 Lt. Governor
 Governor's Chief of Staff

Attachments:

- DPW Proposed Scope of Work**
- HURREVAC forecast of Supertyphoon Faxai (1:00 pm 12/22/01)**
- HURREVAC Wind Shath Illustration**
- HURREVAC "What-If" Scenario (Error Right)**
- HURREVAC "What-If" Scenario (Error Left)**

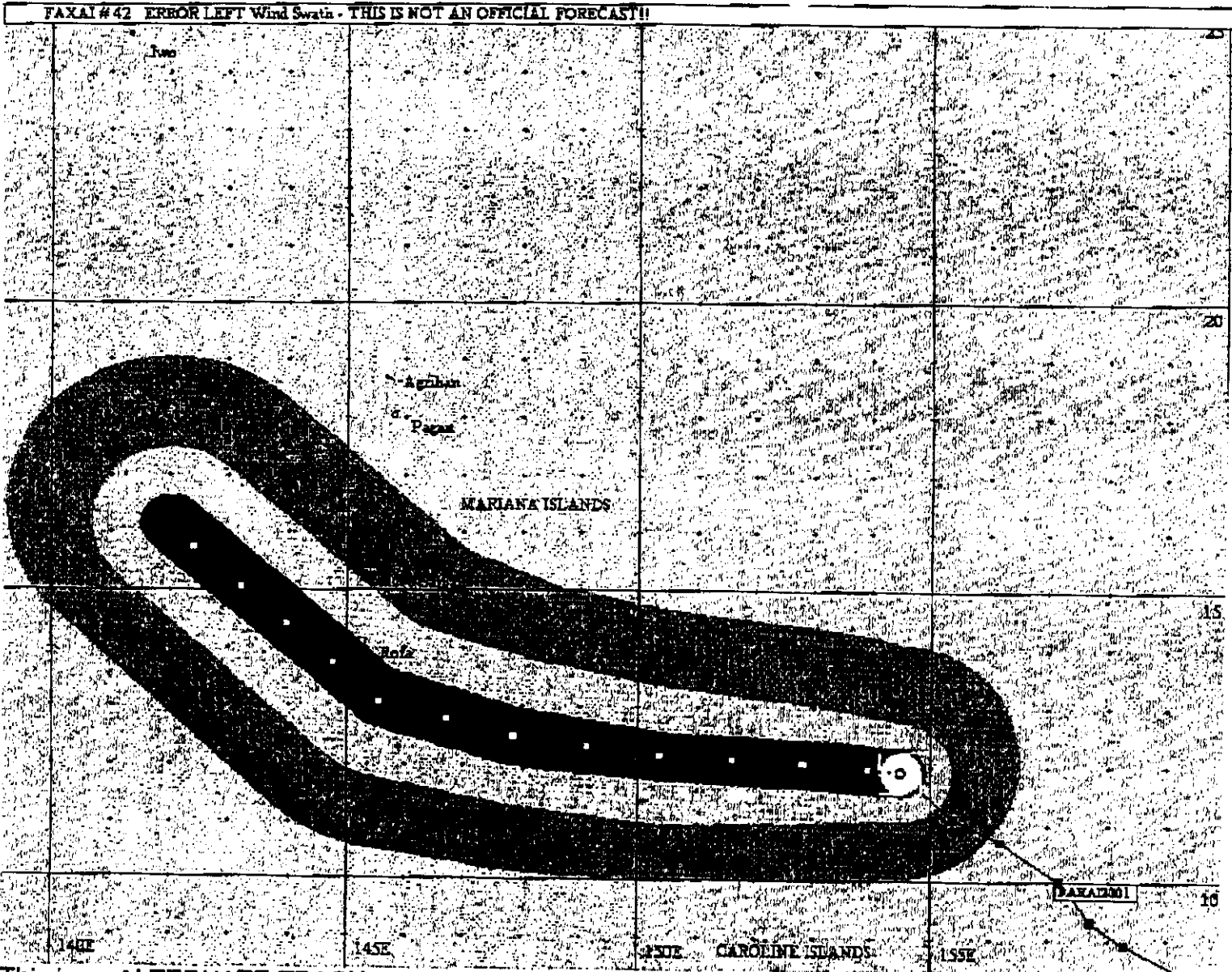


Any active forecast track shown (dots) is based on Advisory Issued SAT 12/22/01 13 PST

The projected Wind Swaths shown here, are the official Hurricane Center Advisory projection(s) for the storm and advisory number shown above. These forecasts are subject to error...with errors smaller in the first hours, becoming greater with each hour.

(Average forecast error = at 12hours..47 miles 24hrs..88 mi. 36hrs..127 mi. 48hrs..166 mi. 72hrs..249 mi.)

ACTUAL FORECAST PATH



This is an ALTERNATE TRACK using Average Error LEFT (NOT official forecast!!)

WHAT-IF SCENARIO
(ERROR LEFT)

* IF WINDS DIVERT LEFT (WORST CASE SCENARIO)

MINA'BENTE SAIS NA LIHESLATURAN GUÅHAN
2001 (FIRST) Regular Session

Bill No. 245(COR)

Introduced by:

A. R. Unpingco 

**AN ACT TO APPROPRIATE THE SUM OF TWO
HUNDRED FIFTY DOLLARS (\$250,000.00) FOR
EMERGENCY EXPENDITURES RESULTING FROM
TYPHOON FAXAI AND FOR OTHER PURPOSES.**

BE IT ENACTED BY THE PEOPLE OF GUAM:

- | | | |
|----|--------------------|--|
| 1 | Section 1. | Legislative Findings and Intent. |
| 2 | Section 2. | Appropriation Authorization. |
| 3 | Section 3. | Reporting Requirement. |
| 4 | Section 4. | Expenditure Authority. |
| 5 | Section 5. | Emergency Procurement. |
| 6 | Section 6. | Temporary Staging Areas for Typhoon |
| 7 | Section 7. | Debris. |
| 8 | Section 8. | Reimbursement. |
| 9 | Section 9. | Detailed Expenditure Report. |
| 10 | Section 10. | Authorization to Transfer Appropriation |
| 11 | Section 11. | Lapses within the Department of Mental |
| 12 | Section 12. | Health and Substance Abuse. |
| 13 | Section 13. | |

1 **Section 10. Severability.**

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
3 that on Monday, December 24, 2001, Typhoon Faxai is expected to hit Guam with
4 devastating and destructive winds of over one hundred fifty (150) miles per hour. It
5 is therefore the intent of *I Mina'Bente Sais Na Liheslaturan Guåhan* to immediately
6 address this situation. This emergency session of *I Mina'Bente Sais Na Liheslaturan*
7 *Guåhan*, as convened by the Speaker, is called to provide legislative recognition of
8 the impending emergency, the need for emergency funding, and the potential need to
9 replenish funds which may have been utilized to secure services or procure material at
10 a moment's notice and where necessary.

11 *I Mina'Bente Sais Na Liheslaturan Guåhan* also recognizes and restates its
12 policy that there will be accountability for all funds expended under this and any
13 emergency declaration.

14 **Section 2. Appropriation Authorization.** The sum of Two Hundred
15 Fifty Thousand Dollars (\$250,000.00) is appropriated from the General Fund for
16 expenses caused by civil defense, public safety or health emergencies as a result of
17 Typhoon Faxai.

18 Whenever this authorization is used by *I Maga'lahen Guåhan*, he shall report
19 the expenditure thereunder to *I Liheslaturan Guåhan* within five (5) days.

20 *I Maga'lahen Guåhan's* declaration of an emergency situation by Executive
21 Order shall be required *prior* to any expenditure herein. A copy of the Executive
22 Order shall be sent, *prior* to the expenditure and as a condition thereof, to the Speaker
23 of *I Liheslaturan Guåhan*, and shall contain the facts constituting the basis of the
24 emergency, and the scope of the expenditures authorized thereunder.

1 **(b) Reversion.** Any appropriation authorized under this Act which
2 has *not* been used within ninety (90) days of enactment of this Act shall revert back to
3 the General Fund.

4 **Section 3. Reporting Requirement.** *I Maga'lahen Guåhan* shall
5 prepare a report no later than the thirtieth (30th) day after the effective date of this
6 Act on all transfers, expenditures and reimbursements by all and any agency or
7 department, directly related to Typhoon Faxai. All reports required herein shall be
8 submitted to the Speaker of *I Mina'Bente Sais Na Liheslaturan Guåhan* no later than
9 the close of business on January 31, 2002.

10 **Section 4. Expenditure Authority.** Notwithstanding any other
11 provision of law, and in the wake of Typhoon Faxai, for thirty (30) days from the
12 effective date of this Act, funds may be expended by the Governor from Federal and
13 autonomous agency sources, as well as from any other sources, for the purpose of
14 providing and restoring damaged government services and infrastructure to the
15 people of Guam and performing necessary mitigation's which serve to benefit and
16 promote public health, safety, sanitation and welfare, including, but not limited to,
17 restoration of roads and highways; restoration of power; restoration of water;
18 restoration of telephone; repair of schools to pre-typhoon conditions, both private and
19 public; repair of facilities belonging to nonprofit organizations to pre-typhoon
20 conditions; repair of public buildings; restoration of public parks; restoration of
21 sports facilities; interim public housing; repairing damage to government property;
22 overtime compensation for personnel needed to perform emergency and restorative
23 services; and classified supervisory personnel overtime, including but not limited to,
24 police, fire, public health, and hospital, and for other services consistent with the
25 intent of this Act.

1 **Section 5. Emergency Procurement.** Notwithstanding any other
2 provision of law, the Mayor's Council shall, for a period of ten (10) calendar days
3 from the effective date of this Act, be exempt from the restrictions in the Guam
4 Procurement Law in §5215 of Title 5 of the Guam Code Annotated, *Emergency*
5 *Procurement*, as well as the applicable General Service Agency Procurement
6 Regulations. The application of the transactions covered by this Section shall be
7 subject to the written certification of the Governor and shall be only for the purposes
8 related to Typhoon Faxai.

9 **Section 6. Temporary Staging Areas for Typhoon Debris.** The
10 mayors of each village are authorized to establish temporary staging areas for
11 Typhoon Faxai debris. The Department of Public Works shall clear the staging areas
12 established under this Act as soon as practicable.

13 **Section 7. Reimbursement.** Reimbursement of any funds expended under
14 this Act from Federal sources, including FEMA, and other sources, including
15 insurance policies, shall be returned to the source from which the funds originated, to
16 the extent that Federal laws permit.

17 The Director of the Department of Administration shall maintain detailed
18 accounting records pertaining to the expenditures authorized under this Act, with the
19 exception of the Department of Education ("DOE") and all autonomous agencies,
20 which shall maintain their own records.

21 Within thirty (30) days from the receipt of the initial reimbursement from
22 FEMA, and thirty (30) days after each subsequent reimbursement from FEMA, the
23 Director of the Department of Administration, DOE and the autonomous agencies
24 each shall submit a detailed report of such expenditures and reimbursements
25 authorized under this Act to the Speaker.

1 **(b) Authorization to Transfer Lapses.** The Department of Mental Health
2 and Substance Abuse is authorized to transfer appropriation lapses in Personnel
3 Services to the contractual, supplies and materials, and equipment categories
4 contained in pages 28-1, 28-2, 28-3, and 28-4 of Appendix B of Public Law 26-35, as
5 amended. This transfer authority shall be *without* limit and may be exercised *between*
6 *or among* the divisions of Administration, Nursing Services, and Clinical Services.

7 **Section 10. Severability.** *If* any provision of this Law or its
8 application to any person or circumstance is found to be invalid or contrary to law,
9 such invalidity shall *not* affect other provisions or applications of this Law which can
10 be given effect without the invalid provisions or application, and to this end the
11 provisions of this Law are severable.




MINA' BENTE SAIS NA LIHESLATURAN GUÅHAN
TWENTY-SIXTH GUAM LEGISLATURE
155 Hessler Place, Hagåtña, Guam 96910

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Dated: December 22, 2001



ANTONIO R. UNPINGCO
Speaker and Presiding Officer

6
12/22/01

**MINA'BENTE SAIS NA LIHESLATURAN GUÅHAN
2001 (FIRST) Regular Session**

Bill No. 245 (COR)
As amended on the Floor.
*

Introduced by:

- A. R. Unpingco
- J. F. Ada
- T. C. Ada
- F. B. Aguon, Jr.
- J. M.S. Brown
- E. B. Calvo
- F. P. Camacho
- M. C. Charfauros
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**AN ACT TO APPROPRIATE FUNDS FOR
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FROM SUPER TYPHOON FAXAI, TO AUTHORIZE
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1 **BE IT ENACTED BY THE PEOPLE OF GUAM:**

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan*

3 *Guåhan* finds that Super Typhoon Faxai may hit Guam with devastating and
 4 destructive winds. It is therefore the intent of *I Mina'Bente Sais Na Liheslaturan*
 5 *Guåhan* to *immediately* address this potential situation. This emergency
 6 session of *I Mina'Bente Sais Na Liheslaturan Guåhan*, as convened by the
 7 Speaker, is called to provide legislative recognition of the

1 impending emergency, the need for emergency funding and the potential
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3 procure material at a moment's notice and where necessary.

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9 the General Fund to the Office of Civil Defense of the Department of Military
10 Affairs for performance of necessary mitigation or expenses directly
11 associated with civil defense, public safety or health emergencies as a result of
12 Super Typhoon Faxai.

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14 Office of Civil Defense of the Department of Military Affairs, *I Maga'lahaen*
15 *Guãhan* shall report the expenditure thereunder to *I Liheslaturan Guãhan*
16 within five (5) days.

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20 thereof, to the Speaker of *I Liheslaturan Guãhan*, and shall contain the facts
21 constituting the basis of the emergency, and the scope of the expenditures
22 authorized thereunder.

1 **Section 3. Reversion.** Any appropriation authorized under this
2 Act which has *not* been encumbered or expended within ninety (90) days of
3 enactment of this Act shall revert back to the General Fund.

4 **Section 4. Reporting Requirement.** *I Maga'lahaen Guåhan* shall
5 prepare a detailed report on all transfers, expenditures and reimbursements
6 by all and any agency or department, and the Mayor's Council, directly
7 related to Super Typhoon Faxai or the funds appropriated herein. All reports
8 required herein shall be submitted to the Speaker of *I Mina'Bente Sais Na*
9 *Lihselaturan Guåhan* within five (5) days of the transfer, expenditure or
10 reimbursement. A closeout report of the expenditures of the funds
11 appropriated herein shall be filed within ninety (90) days of the enactment of
12 this Act.

13 **Section 5. Emergency Procurement.** Notwithstanding any other
14 provision of law, the Mayor's Council of Guam shall, for a period of ten (10)
15 calendar days from the effective date of this Act, be *exempt* from the
16 restrictions in the Guam Procurement Law in § 5215 of Title 5 of the Guam
17 Code Annotated, *Emergency Procurement*, as well as the applicable General
18 Service Agency Procurement Regulations. This emergency procurement shall
19 be subject to the emergency declaration of *I Maga'lahaen Guåhan*, and shall be
20 *only* for the purposes related to Super Typhoon Faxai.

21 **Section 6. Temporary Staging Areas for Super Typhoon Debris.**
22 The mayors of each Village are hereby authorized, in coordination with the
23 Guam Environmental Protection Agency ("GEPA"), to establish *temporary*
24 staging areas for Super Typhoon Faxai debris. The Mayors, in conjunction

1 with the Department of Public Works ("DPW"), shall clear the staging areas
2 established under this Act as soon as practicable.

3 **Section 7. Reimbursement.** Reimbursement of any funds
4 expended under this Act from Federal sources, including the Federal
5 Emergency Management Authority ("FEMA"), and other sources, including
6 insurance policies, shall be returned to the source from which the funds
7 originated, to the extent that Federal laws permit.

8 The Director of the Department of Administration ("DOA") shall
9 maintain detailed accounting records pertaining to the expenditures
10 authorized under this Act, with the *exception* of the Department of Education
11 ("DOE"), the Guam Community College ("GCC"), the University of Guam
12 ("UOG") and all autonomous agencies, which shall maintain their own
13 records.

14 Within thirty (30) days from the receipt of the initial reimbursement
15 from FEMA, and thirty (30) days after each subsequent reimbursement from
16 FEMA, the Director of DOA, DOE, GCC, UOG and the autonomous agencies
17 shall each submit a detailed report of such expenditures and reimbursements
18 authorized under this Act to the Speaker of *I Liheslaturan Guåhan*.

19 **Section 8. Authorization to Transfer Appropriation Lapses within**
20 **DMH&SA.**

21 (a) **Legislative Statement.** The Department of Mental
22 Health and Substance Abuse ("DMH&SA") reported a potential
23 shortfall of One Million Four Hundred Thousand Dollars (\$1,400,000)
24 for its FY2002 operations. It further reported that it could *not* continue