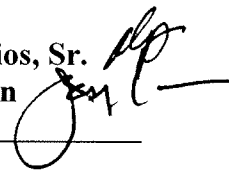


I MINA'TRENTA NA LIHESLATURAN GUÅHAN  
2009 (FIRST) Regular Session

Bill No. B211-30 (LS)

Introduced by:

Adolpho B. Palacios, Sr.  
James V. Espaldon



2009 AUG 12 AM 11:47



**AN ACT RELATIVE TO PRESERVING THE INDEPENDENCE OF THE OFFICE OF PUBLIC ACCOUNTABILITY BY RESTORING THE PUBLIC AUDITOR'S AUTHORITY TO HIRE A DEPUTY PUBLIC AUDITOR AND SECRETARY AND THE PROTECTION AGAINST THE REDUCTION OF THE SALARIES OF THE STAFF OF THE OFFICE OF PUBLIC ACCOUNTABILITY BY AMENDING SUBSECTION (b) SECTION 1907 OF TITLE 1 OF THE GUAM CODE ANNOTATED AND ADDING A NEW SUBSECTION (c) TO SECTION 1907 OF TITLE 1 OF THE GUAM CODE ANNOTATED.**

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

2 **SECTION 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds  
3 that the continuation of the Office of Public Accountability as an instrumentality of the  
4 Government of Guam, independent of the executive, legislative, and judicial branches is  
5 paramount in fulfilling the mandates of the Office which include the duty to annually  
6 audit or post audit all transactions and accounts of all departments, offices, corporations,  
7 authorities, and agencies in all of the branches of the Government of Guam. *I*  
8 *Liheslaturan Guåhan* finds that previous amendments to the Office of Public  
9 Accountability's enabling law, have diminished the independence of the Office of Public  
10 Accountability. Specifically, 1 G.C.A. §1907(a) originally authorized the Public Auditor  
11 to hire a Deputy Public Auditor and 1 G.C.A. §1907(b) originally prohibited the  
12 reduction of the salaries of the Public Auditor and her staff during the Public Auditors

1 term of office. However, in October 2005, Public Law 28-68, which was the Fiscal Year  
2 2006 Budget Act, repealed and reenacted 1 G.C.A. §1907(a) and (b) and the reenacted  
3 version of 1 G.C.A. §1907(a) did not include the language authorizing the Public Auditor  
4 to hire a deputy and the reenacted version of 1 G.C.A. §1907(b) did not include the  
5 prohibition against reducing the salaries of the Public Auditor’s staff during the Public  
6 Auditor’s term in office. *I Liheslaturan Guåhan* finds that restoration of the Public  
7 Auditor’s authority to hire a deputy and the restoration of the prohibition of reducing the  
8 salaries of the Public Auditor’s staff during her term in office, and authorizing the Public  
9 Auditor to hire a secretary are necessary to preserving the independence of Office of  
10 Public Accountability and to ensuring the Public Auditor has sufficient authority to  
11 recruit and retain sufficiently qualified staff to fulfill the offices important statutory  
12 mandates.

13 **SECTION 2. Subsection (b) of Section 1907 of Title 1 of the Guam Code**  
14 **Annotated is amended to read:**

15 “(b) Except as otherwise provided herein, the salaries of the staff of the  
16 ~~Public Auditor~~ Office of Public Accountability shall be fixed by the ~~Director of~~  
17 ~~Administration~~ Civil Service Commission in accordance with the methodology  
18 recommended by the Hay Study adopted by *I Liheslatura* and effective October 1, 1991,  
19 or such other methodology as may hereafter be adopted by *I Liheslatura*. The salaries of  
20 the staff shall not be diminished during the term of the Public Auditor.”

21 **SECTION 3. Subsection (c) is added to Section 1907 of Title 1 of the Guam**  
22 **Code Annotated to read:**

1                   “(c) Subject to the availability of funds, the Public Auditor may appoint a  
2 Deputy Public Auditor and a Secretary, each of whom shall serve at the pleasure of the  
3 Public Auditor.”

4                   **SECTION 4. Severability.** If any provisions of this Act or its application to any  
5 person or circumstance is found to be invalid or contrary to law, such invalidity shall *not*  
6 affect other provisions or applications of this Act which can be given effect without the  
7 invalid provisions or applications, and to this end the provisions of this Act are severable.