

*I Mina'trentai Sais Na Liheslaturan Guåhan*  
**BILL STATUS**

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES	NOTES
132-36 (COR)	Tina Rose Muña Barnes	AN ACT TO AMEND §§ 12217, 12229, 12319, 12320, 12436, 12505, 12617(b)(8), 122313(g), AND 122313(h) TO REPEAL AND REENACT §§ 12819, 12826, and 122330, ALL OF CHAPTER 12, TITLE 10, GUAM CODE ANNOTATED; TO ADD §§ 12436.1, 12436.2, 12505.1, 12617.1, 12617.2, 12826.1, 122313(i), AND 122313(j) TO CHAPTER 12, TITLE 10, GUAM CODE ANNOTATED, AND TO AMEND § 18105(a)(4), AND TO REPEAL AND REENACT §§ 18108 AND 18124 OF CHAPTER 18, TITLE 10 GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING SEPARATE REVOLVING FUNDS FOR THE GUAM BOARDS OF MEDICAL EXAMINERS; AND NURSE EXAMINERS; THE BOARDS OF EXAMINERS FOR DENTISTRY; OPTOMETRY; AND PHARMACY; AND THE BOARDS OF ALLIED HEALTH EXAMINERS; BARBERING AND COSMETOLOGY; AND SOCIAL WORK.	5/3/21 2:46 p.m.						

*I MINA'TRENTAI SINGKO NA LIHESLATURAN GUÅHAN*  
**2021 (FIRST) Regular Session**

**Bill No. 132-36 (COR)**

**Introduced by:**

Tina Rose Muña Barnes 

**AN ACT TO AMEND §§ 12217, 12229, 12319, 12320, 12436, 12505, 12617(b)(8), 122313(g), AND 122313(h) TO REPEAL AND REENACT §§ 12819, 12826, and 122330, ALL OF CHAPTER 12, TITLE 10, GUAM CODE ANNOTATED; TO ADD §§ 12436.1, 12436.2, 12505.1, 12617.1, 12617.2, 12826.1, 122313(i), AND 122313(j) TO CHAPTER 12, TITLE 10, GUAM CODE ANNOTATED, AND TO AMEND § 18105(a)(4), AND TO REPEAL AND REENACT §§ 18108 AND 18124 OF CHAPTER 18, TITLE 10 GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING SEPARATE REVOLVING FUNDS FOR THE GUAM BOARDS OF MEDICAL EXAMINERS; AND NURSE EXAMINERS; THE BOARDS OF EXAMINERS FOR DENTISTRY; OPTOMETRY; AND PHARMACY; AND THE BOARDS OF ALLIED HEALTH EXAMINERS; BARBERING AND COSMETOLOGY; AND SOCIAL WORK.**

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

2 **Section 1.** § 12217 of Article 2, Chapter 12. Title 10, Guam Code Annotated,  
3 is amended to read:

4 **§ 12217. Funding and Fees.**

5 (a) The Board shall be fully supported by the revenues generated from its  
6 activities, including fees, charges, fines, and reimbursed costs. All such revenues,  
7 ~~including fines, including accrued interest~~ shall be deposited to the ~~Health~~  
8 ~~Professional Licensing Office~~ “Guam Board of Medical Examiners Revolving  
9 Fund.” ~~This Fund shall receive all interest earned on the deposit of such revenues.~~

1 Such funds should be appropriated continuously and should be used by the Board  
2 for administration and enforcement of ~~the Medical Practice Act~~ this Article.

3 (b) The Board shall develop and adopt its own budget reflecting revenues,  
4 including the interest thereon, and costs associated with ~~each health care field~~  
5 ~~regulated~~ the administration, regulation, and enforcement of this Article, and which  
6 shall also .~~Revenues and interest thereon should fully support Board administration,~~  
7 ~~regulation, and enforcement.~~ The budget should include allocations for  
8 establishment and maintenance of a reasonable reserve fund.

9 (c) ~~All Board fees and charges shall be set by the Board pursuant to its~~  
10 ~~proposed budget needs. Reasonable notice should be provided for all increases or~~  
11 ~~decreases in fees and charges.~~ Resolutions of the Board amending fees and charges  
12 need not be adopted in accordance with the Administrative Adjudication Law,  
13 except that no increase in fees or charges shall become effective until after three  
14 meetings of the board where the public has been given an opportunity to comment.  
15 All fees are non-refundable.

16 (d) A designated officer of the Board, or other person specifically designated  
17 by the Board, shall at the direction of the Board, oversee the collection and  
18 disbursement of funds.

19 ~~The Guam Auditor's Office, or the equivalent State office should audit the~~  
20 ~~financial records of the Board annually and report to the Board and *I Liheslaturan*~~  
21 ~~*Guåhan.*~~"

22 **Section 2.** § 12229 of Article 2, Chapter 12. Title 10, Guam Code Annotated,  
23 is amended to read:

24 **“§ 12229. Revolving Fund.**

25 There is hereby created, separate and apart from other funds of the  
26 government of Guam, a fund known as the “Guam Board of Medical Examiners a  
27 Revolving Fund” within the Health Professional Licensing Office of the Department

1 of Public Health and Social Services, specifically for use by the Board in the  
2 administration and enforcement of this Article, into which all money payable under  
3 the provisions of these Articles 2, 5, 6, and Chapter 18 [all] of Title 10 of the  
4 Government Code of Guam, shall be deposited. The Fund shall not be commingled  
5 with any other fund and shall be deposited into a separate account, or otherwise  
6 maintained separately. All revenues from whatever source, including but not limited  
7 to appropriations, fees and charges, fines and penalties, gifts, grants, and accrued  
8 interest shall be deposited into the Fund. The Fund shall *not* be subject to any transfer  
9 authority of *I Maga'lahaen Guåhan*. The revolving fund shall be used to defray the  
10 cost of obtaining standardized examination materials and services for the healing  
11 arts and cosmetology licensure and the cost of proctoring examination at the testing  
12 site; and for operational expenses necessary for testing and monitoring of  
13 examination. Tests for licensure of all the healing arts and cosmetology shall be  
14 given at least every six (6) months.

15 The Office of Public Accountability shall audit the financial records of the  
16 Board annually, or as often as it may deem appropriate, and report its findings to the  
17 Board, *I Maga'lahaen Guåhan*, and *I Liheslaturan Guåhan*.”

18 **Section 3.** § 12319 of Article 3, Chapter 12, Title 10, Guam Code Annotated,  
19 is amended to read:

20 **“§ 12319 ~~Disposition of~~ Funding and Fees.**

21 ~~(a) All fees received by the Board under this Article, except such amounts as~~  
22 ~~are paid through the Board for examinations taken by applications and which must~~  
23 ~~be transmitted to a testing service, shall be deposited in the General Fund.~~

24 ~~(b) All funds that have accumulated to the credit of the Board under the~~  
25 ~~provisions of Chapter III of Title XXVIII of the Government Code, which law is~~  
26 ~~repealed by this Act, shall be turned over to the General Fund.~~

1           (a) The Board shall be fully supported by the revenues generated from its  
2 activities, including fees, charges, fines, and reimbursed costs. All such revenues,  
3 including accrued interest, shall be deposited to the “Board of Nurse Examiners  
4 Revolving Fund.” Such funds should be appropriated continuously and should be  
5 used by the Board for administration and enforcement of this Article.

6           (b) The Board shall develop and adopt its own budget reflecting revenues,  
7 including the interest thereon, and costs associated with the administration,  
8 regulation, and enforcement of this Article, and which should also include  
9 allocations for establishment and maintenance of a reasonable reserve fund.

10           (c) Resolutions of the Board amending fees and charges need not be adopted  
11 in accordance with the Administrative Adjudication Law, except that no increase in  
12 fees or charges shall become effective until after three meetings of the board where  
13 the public has been given an opportunity to comment. All fees are non-refundable.

14           (d) A designated officer of the Board, or other person specifically designated  
15 by the Board, shall at the direction of the Board, oversee the collection and  
16 disbursement of funds.”

17           **Section 4.** § 12320 of Article 3, Chapter 12. Title 10, Guam Code Annotated,  
18 is amended to read:

19           **“§ 12320. Appropriations Revolving Fund.**

20           ~~Operations of the Board and the implementation of this Article shall be funded~~  
21 ~~by annual appropriation to the Commission.~~

22           There is hereby created, separate and apart from other funds of the  
23 government of Guam, a fund known as the “Guam Board of Nurse Examiners  
24 Revolving Fund” within the Health Professional Licensing Office of the Department  
25 of Public Health and Social Services, specifically for use by the Board in the  
26 administration and enforcement of this Article. The Fund shall not be commingled  
27 with any other fund and shall be deposited into a separate account, or otherwise

1 maintained separately. All revenues from whatever source, including but not limited  
2 to appropriations, fees and charges, fines and penalties, gifts, grants, and accrued  
3 interest shall be deposited into the Fund. The Fund shall *not* be subject to any transfer  
4 authority of *I Maga'lahaen Guåhan*.

5 The Office of Public Accountability shall audit the financial records of the  
6 Board annually, or as often as it may deem appropriate, and report its findings to the  
7 Board, *I Maga'lahaen Guåhan*, and *I Liheslaturan Guåhan*.”

8 **Section 5.** § 12436 of Article 4, Chapter 12. Title 10, Guam Code Annotated,  
9 is amended to read:

10 **“§ 12436. Fees; Meetings.**

11 ~~(a) The Board shall establish fees as required in this Article. Resolutions of~~  
12 ~~the Board setting fees need not be adopted in accordance with the Administrative~~  
13 ~~Adjudication Law. All fees are non-refundable. All fees, except those transmitted~~  
14 ~~for national examinations, shall be deposited in the General Fund.~~

15 ~~(b)~~ (a) The Board shall comply with the requirements of the Open Government  
16 Law ~~(P.L. 13-35)~~ but when the Board is preparing examinations, grading  
17 examinations, discussing the eligibility of a person to be licensed to practice  
18 dentistry or reviewing evidence obtained at a hearing for disciplinary action the  
19 Board shall be in executive session and may exclude the press and members of the  
20 public.

21 ~~(c)~~ (b) The Board may meet as often as necessary to conduct its business but  
22 not less than four (4) times per year.”

23 **Section 6.** A new § 12436.1 is added to Article 4, Chapter 12. Title 10, Guam  
24 Code Annotated, to read as follows:

25 **“§ 12436.1. Funding and Fees.**

26 (a) The Board shall be fully supported by the revenues generated from its  
27 activities, including fees, charges, fines, and reimbursed costs. All such revenues,

1 including accrued interest, shall be deposited to the “Guam Board of Examiners for  
2 Dentistry Revolving Fund.” Such funds should be appropriated continuously and  
3 should be used by the Board for administration and enforcement of this Article.

4 (b) The Board shall develop and adopt its own budget reflecting revenues,  
5 including the interest thereon, and costs associated with the administration,  
6 regulation, and enforcement of this Article, and which should also include  
7 allocations for establishment and maintenance of a reasonable reserve fund.

8 (c) Resolutions of the Board amending fees and charges need not be adopted  
9 in accordance with the Administrative Adjudication Law, except that no increase in  
10 fees or charges shall become effective until after three meetings of the board where  
11 the public has been given an opportunity to comment. All fees are non-refundable.

12 (d) A designated officer of the Board, or other person specifically designated  
13 by the Board, shall at the direction of the Board, oversee the collection and  
14 disbursement of funds.”

15 **Section 7.** A new § 12436.2 is added to Article 4, Chapter 12, Title 10, Guam  
16 Code Annotated, to read as follows:

17 **“§ 12436.2. Revolving Fund.**

18 There is hereby created, separate and apart from other funds of the  
19 government of Guam, a fund known as the “Guam Board of Examiners for Dentistry  
20 Revolving Fund” within the Health Professional Licensing Office of the Department  
21 of Public Health and Social Services, specifically for use by the Board in the  
22 administration and enforcement of this Article. The Fund shall not be commingled  
23 with any other fund and shall be deposited into a separate account, or otherwise  
24 maintained separately. All revenues from whatever source, including but not limited  
25 to appropriations, fees and charges, fines and penalties, gifts, grants, and accrued  
26 interest shall be deposited into the Fund. The Fund shall *not* be subject to any transfer  
27 authority of *I Maga’lahen Guåhan*.

1 The Office of Public Accountability shall audit the financial records of the  
2 Board annually, or as often as it may deem appropriate, and report its findings to the  
3 Board, *I Maga'lahaen Guåhan*, and *I Liheslaturan Guåhan*.”

4 **Section 8.** § 12505 of Article 5, Chapter 12. Title 10, Guam Code Annotated,  
5 is amended to read:

6 **“§ 12505. Funding and Fees.**

7 ~~All fees received by the Board except those paid for standardized national~~  
8 ~~examinations shall be deposited with the Treasurer of Guam for deposit in the~~  
9 ~~General Fund.~~

10 (a) The Board shall be fully supported by the revenues generated from its  
11 activities, including fees, charges, fines, and reimbursed costs. All such revenues,  
12 including accrued interest, shall be deposited to the “Guam Board of Examiners for  
13 Optometry Revolving Fund.” Such funds should be appropriated continuously and  
14 should be used by the Board for administration and enforcement of this Article.

15 (b) The Board shall develop and adopt its own budget reflecting revenues,  
16 including the interest thereon, and costs associated with the administration,  
17 regulation, and enforcement of this Article, and which should also include  
18 allocations for establishment and maintenance of a reasonable reserve fund.

19 (c) Resolutions of the Board amending fees and charges need not be adopted  
20 in accordance with the Administrative Adjudication Law, except that no increase in  
21 fees or charges shall become effective until after three meetings of the board where  
22 the public has been given an opportunity to comment. All fees are non-refundable.

23 (d) A designated officer of the Board, or other person specifically designated  
24 by the Board, shall at the direction of the Board, oversee the collection and  
25 disbursement of funds.”

1           **Section 9.** A new § 12505.1 is added to Article 5, Chapter 12. Title 10, Guam  
2 Code Annotated, to read:

3           “§ 12505.1 Revolving Fund.

4           There is hereby created, separate and apart from other funds of the  
5 government of Guam, a fund known as the “Guam Board of Examiners for  
6 Optometry Revolving Fund” within the Health Professional Licensing Office of the  
7 Department of Public Health and Social Services, specifically for use by the Board  
8 in the administration and enforcement of this Article. The Fund shall not be  
9 commingled with any other fund and shall be deposited into a separate account, or  
10 otherwise maintained separately. All revenues from whatever source, including but  
11 not limited to appropriations, fees and charges, fines and penalties, gifts, grants, and  
12 accrued interest shall be deposited into the Fund. The Fund shall *not* be subject to  
13 any transfer authority of *I Maga’lahen Guåhan*.

14           The Office of Public Accountability shall audit the financial records of the  
15 Board annually, or as often as it may deem appropriate, and report its findings to the  
16 Board, *I Maga’lahen Guåhan*, and *I Liheslaturan Guåhan*.”

17           **Section 10.** § 12617(b)(8) of Article 6, Chapter 12. Title 10, Guam Code  
18 Annotated, is amended to read:

19           “(8) In addition to the fees specifically provided for herein, the Board may  
20 assess additional reasonable fees for services rendered to carry out its duties and  
21 responsibilities as required or authorized by this Act or rules adopted hereunder.  
22 ~~Such services rendered shall include, but not be limited to, the following:~~

23           ~~(A) issuance of duplicate certificates or identification cards;~~

24           ~~(B) mailing lists, or reports of data maintained by the Board;~~

25           ~~(C) copies of any documents;~~

26           ~~(D) certification of documents;~~

27           ~~(E) notices of meetings;~~

1           ~~(F) licensure transfer;~~  
2           ~~(G) examination administration to a licensure applicant; and~~  
3           ~~(H) examination materials.”~~

4           **Section 11.** A new § 12617.1 is added to Article 6, Chapter 12. Title 10, Guam  
5 Code Annotated, to read:

6           “§ 12617.1. Funding and Fees.

7           (a) The Board shall be fully supported by the revenues generated from its  
8 activities, including fees, charges, fines, and reimbursed costs. All such revenues,  
9 including accrued interest, shall be deposited to the “Guam Board of Pharmacy  
10 Revolving Fund.” Such funds should be appropriated continuously and should be  
11 used by the Board for administration and enforcement of this Article.

12           (b) The Board shall develop and adopt its own budget reflecting revenues,  
13 including the interest thereon, and costs associated with the administration,  
14 regulation, and enforcement of this Article, and which should also include  
15 allocations for establishment and maintenance of a reasonable reserve fund.

16           (c) Resolutions of the Board amending fees and charges need not be adopted  
17 in accordance with the Administrative Adjudication Law, except that no increase in  
18 fees or charges shall become effective until after three meetings of the board where  
19 the public has been given an opportunity to comment. All fees are non-refundable.

20           (d) A designated officer of the Board, or other person specifically designated  
21 by the Board, shall at the direction of the Board, oversee the collection and  
22 disbursement of funds.”

23           **Section 12.** A new § 12617.2 is added to Article 6, Chapter 12. Title 10, Guam  
24 Code Annotated, to read:

25           “§ 12617.2 Revolving Fund.

26           There is hereby created, separate and apart from other funds of the  
27 government of Guam, a fund known as the “Guam Board of Pharmacy Revolving

1 Fund” within the Health Professional Licensing Office of the Department of Public  
2 Health and Social Services, specifically for use by the Board in the administration  
3 and enforcement of this Article. The Fund shall not be commingled with any other  
4 fund and shall be deposited into a separate account, or otherwise maintained  
5 separately. All revenues from whatever source, including but not limited to  
6 appropriations, fees and charges, fines and penalties, gifts, grants, and accrued  
7 interest shall be deposited into the Fund. The Fund shall *not* be subject to any transfer  
8 authority of *I Maga’lahen Guåhan*.

9 The Office of Public Accountability shall audit the financial records of the  
10 Board annually, or as often as it may deem appropriate, and report its findings to the  
11 Board, *I Maga’lahen Guåhan*, and *I Liheslaturan Guåhan*.”

12 **Section 13.** § 12819 of Article 8, Chapter 12, Title 10, Guam Code Annotated,  
13 is repealed, and reenacted to read:

14 **“§ 12819. Fee Schedule.**

15 The Board is authorized to adopt and amend its fee schedules and charges by  
16 Board resolution, which need not be adopted in accordance with the Administrative  
17 Adjudication Law, *except* that no increase in fees or charges shall become effective  
18 until after three meetings of the board where the public has been given an  
19 opportunity to comment. All fees are non-refundable.”

20 **Section 14.** § 12826 of Article 8, Chapter 12, of Title 10 Guam Code  
21 Annotated is repealed and reenacted to read:

22 **“§ 12826. Funding and Fees.**

23 (a) The Board shall be fully supported by the revenues generated from its  
24 activities, including fees, charges, fines, and reimbursed costs. All such revenues,  
25 including accrued interest, shall be deposited to the “Guam Board of Allied Health

1 Examiners Revolving Fund.” Such funds should be appropriated continuously and  
2 should be used by the Board for administration and enforcement of this Article.

3 (b) The Board shall develop and adopt its own budget reflecting revenues,  
4 including the interest thereon, and costs associated with the administration,  
5 regulation, and enforcement of this Article, and which should also include  
6 allocations for establishment and maintenance of a reasonable reserve fund.

7 (c) A designated officer of the Board, or other person specifically designated  
8 by the Board, shall at the direction of the Board, oversee the collection and  
9 disbursement of funds.”

10 **Section 15.** A new § 12826.1 is added to Article 6, Chapter 12, Title 10, Guam  
11 Code Annotated, to read:

12 **“§ 12826.1 Revolving Fund.**

13 There is hereby created, separate and apart from other funds of the  
14 government of Guam, a fund known as the “Guam Board of Allied Health Examiners  
15 Revolving Fund” within the Health Professional Licensing Office of the Department  
16 of Public Health and Social Services, specifically for use by the Board in the  
17 administration and enforcement of this Article. The Fund shall not be commingled  
18 with any other fund and shall be deposited into a separate account, or otherwise  
19 maintained separately. All revenues from whatever source, including but not limited  
20 to appropriations, fees and charges, fines and penalties, gifts, grants, and accrued  
21 interest shall be deposited into the Fund. The Fund shall *not* be subject to any transfer  
22 authority of *I Maga’lahen Guåhan*.

23 The Office of Public Accountability shall audit the financial records of the  
24 Board annually, or as often as it may deem appropriate, and report its findings to the  
25 Board, *I Maga’lahen Guåhan*, and *I Liheslaturan Guåhan*.”

26 **Section 16.** § 122313(g) of Article 23, Chapter 12, Title 10, Guam Code  
27 Annotated, is amended to read:

1           ~~“(g) The Board shall establish and collect fees from every applicant for the~~  
2 ~~services it performs. The fees shall be established through rules and regulations~~  
3 ~~pursuant to 5 GCA, Chapter 9, the Administrative Adjudication Law, Rule Making~~  
4 ~~Procedures. The Board shall be fully supported by the revenues generated from its~~  
5 ~~activities, including fees, charges, fines, and reimbursed costs. All such revenues,~~  
6 ~~including accrued interest, shall be deposited to the “Social Work Board Revolving~~  
7 ~~Fund.” Such funds should be appropriated continuously and should be used by the~~  
8 ~~Board for administration and enforcement of this Article.~~

9           **Section 17.** § 122313(h) of Article 23, Chapter 12, Title 10, Guam Code  
10 Annotated, is amended to read:

11           ~~(h) In addition to the fees specifically provided for, the Board may assess~~  
12 ~~additional reasonable fees for services rendered to carry out its duties and~~  
13 ~~responsibilities as required or authorized by this Act or rules adopted hereunder.~~  
14 ~~Such services rendered shall include, but not be limited to, the following:~~

- 15           ~~(1) issuance of duplicate certificates or identification cards;~~
- 16           ~~(2) mailing lists, or reports of data maintained by the Board;~~
- 17           ~~(3) copies of any documents;~~
- 18           ~~(4) certification of documents;~~
- 19           ~~(5) notices of meetings;~~
- 20           ~~(6) licensure transfer;~~
- 21           ~~(7) examination administration to a licensure applicant; and~~
- 22           ~~(8) examination materials.~~

23           The Board shall develop and adopt its own budget reflecting revenues, including the  
24 interest thereon, and costs associated with the administration, regulation, and  
25 enforcement of this Article, and which should also include allocations for  
26 establishment and maintenance of a reasonable reserve fund.

1           **Section 18.** A new § 122313(i) of Article 23, Chapter 12, Title 10, Guam Code  
2 Annotated, is added to read:

3           “(i) Resolutions of the Board amending fees and charges need not be adopted  
4 in accordance with the Administrative Adjudication Law, except that no increase in  
5 fees or charges shall become effective until after three meetings of the board where  
6 the public has been given an opportunity to comment. All fees are non-refundable.”

7           **Section 19.** A new § 122313(j) of Article 23, Chapter 12, Title 10, Guam Code  
8 Annotated, is added to read:

9           “(j) A designated officer of the Board, or other person specifically designated  
10 by the Board, shall at the direction of the Board, oversee the collection and  
11 disbursement of funds.”

12           **Section 20.** § 122330 of Article 23, Chapter 12, Title 10, Guam Code  
13 Annotated, is repealed and reenacted to read:

14           “**§ 122330. Creation of Revolving Fund.**

15           There is hereby created, separate and apart from other funds of the  
16 government of Guam, a fund known as the “Guam Board of Social Work Revolving  
17 Fund” within the Health Professional Licensing Office of the Department of Public  
18 Health and Social Services, specifically for use by the Board in the administration  
19 and enforcement of this Article. The Fund shall not be commingled with any other  
20 fund and shall be deposited into a separate account, or otherwise maintained  
21 separately. All revenues from whatever source, including but not limited to  
22 appropriations, fees and charges, fines and penalties, gifts, grants, and accrued  
23 interest shall be deposited into the Fund. The Fund shall *not* be subject to any transfer  
24 authority of *I Maga’hågan Guåhan*.

25           The Office of Public Accountability shall audit the financial records of the  
26 Board annually, or as often as it may deem appropriate, and report its findings to the  
27 Board, *I Maga’hågan Guåhan*, and *I Liheslaturan Guåhan*.”

1           **Section 21.** § 18105(a)(4) of Chapter 18 of Title 10, Guam Code Annotated,  
2 is amended to read:

3           “(4) establish fees for issuance of licenses, examinations, inspections, and  
4 others as necessary, ~~through the Administrative Adjudication Law process;~~”

5           **Section 22.** § 18108 of Chapter 18 of Title 10 GCA is repealed and reenacted  
6 to read:

7           **“§ 18108 Revolving Fund.**

8           There is hereby created, separate and apart from other funds of the  
9 government of Guam, a fund known as the “Board of Barbering and Cosmetology  
10 Revolving Fund” within the Health Professional Licensing Office of the Department  
11 of Public Health and Social Services, specifically for use by the Board in the  
12 administration and enforcement of this Article. The Fund shall not be commingled  
13 with any other fund and shall be deposited into a separate account, or otherwise  
14 maintained separately. All revenues from whatever source, including but not limited  
15 to appropriations, fees and charges, fines and penalties, gifts, grants, and accrued  
16 interest shall be deposited into the Fund. The Fund shall *not* be subject to any transfer  
17 authority of *I Maga’lahen Guåhan*.

18           The Office of Public Accountability shall audit the financial records of the  
19 Board annually, or as often as it may deem appropriate, and report its findings to the  
20 Board, *I Maga’lahen Guåhan*, and *I Liheslaturan Guåhan*.”

21           **Section 23.** § 18124 of Chapter 18 of Title 10 GCA is repealed and reenacted  
22 to read:

23           **“§ 18124. Funding and Fees.**

24           (a) The Board shall be fully supported by the revenues generated from its  
25 activities, including fees, charges, fines, and reimbursed costs. All such revenues,  
26 including accrued interest, shall be deposited to the “Board of Barbering and

1 Cosmetology Revolving Fund.” Such funds should be appropriated continuously  
2 and should be used by the Board for administration and enforcement of this Article.

3 (b) The Board shall develop and adopt its own budget reflecting revenues,  
4 including the interest thereon, and costs associated with the administration,  
5 regulation, and enforcement of this Article, and which should also include  
6 allocations for establishment and maintenance of a reasonable reserve fund.

7 (c) The Board shall establish fees for inspection of schools, salons, spas,  
8 esthetic salons, barber shops, and cosmetological establishments not to exceed the  
9 sum of One Hundred Dollars (\$100.00); testing and examinations; licensure and  
10 renewal of licensure, penalties, fines, and other charges, as appropriate.

11 (d) Resolutions of the Board adopting and amending fees and charges need  
12 not be adopted in accordance with the Administrative Adjudication Law, except that  
13 no increase in fees or charges shall become effective until after three meetings of the  
14 board where the public has been given an opportunity to comment. All fees are non-  
15 refundable.

16 (e) A designated officer of the Board, or other person specifically designated  
17 by the Board, shall at the direction of the Board, oversee the collection and  
18 disbursement of funds.”

19 **Section 24. Severability.** If any provision of this Act the application thereof  
20 to any person or circumstance is held invalid, such invalidity shall not affect other  
21 provisions or application of this law which can be given effect without the invalid  
22 provision or application, and to this end the provisions of this Act are severable.

23 **Section 25. Effective Date.** This Act shall become effective upon its  
24 enactment.