



FILE COPY

I MINA'TRENTAI TRES NA LIHESLATURAN GUÅHAN
THIRTY-THIRD GUAM LEGISLATURE
155 Hesler Place, Hagåtña, Guam 96910

December 30, 2016

The Honorable Edward J.B. Calvo
I Maga'låhen Guåhan
Ufisinan I Maga'låhi
Hagåtña, Guam

Dear *Maga'låhi* Calvo:

Transmitted herewith are Bill and Substitute Bill Nos. 162-33 (COR), 200-33 (COR), 299-33 (COR), 312-33 (COR), 330-33 (COR), 332-33 (COR), 336-33 (LS), 337-33 (LS), 350-33 (COR), 356-33 (COR), 357-33 (COR), 358-33 (COR), 379-33 (COR), 380-33 (COR), 385-33 (COR), 389-33 (COR), 391-33 (COR), 392-33 (COR), 397-33 (COR), 398-33 (COR), 399-33 (COR), 402-33 (COR), 403-33 (LS), 404-33 (LS), 406-33 (COR), 407-33 (COR), 409-33 (COR) and 411 (COR), which were passed by *I Mina'Trentai Tres Na Liheslaturan Guåhan* on December 30, 2016.

Sincerely,

TINA ROSE MUÑA BARNES
Legislative Secretary

Enclosure (28)

PD3 PG CORPZ #374
12/30/16
8:50 PM

I MINA'TRENTAI TRES NA LIHESLATURAN GUÅHAN
2016 (SECOND) Regular Session


CERTIFICATION OF PASSAGE OF AN ACT TO *I MAGA'LÅHEN GUÅHAN*

This is to certify that **Substitute Bill No. 358-33 (COR), "AN ACT TO AMEND §§ 1909(i) AND 1907(c), AND TO ADD NEW SUBSECTIONS (e), (f), (g) AND (h) TO § 1907, ALL OF CHAPTER 19, TITLE 1, GUAM CODE ANNOTATED, RELATIVE TO GRANTING INCREASED AUTONOMY TO THE OFFICE OF PUBLIC ACCOUNTABILITY ON PERSONNEL MATTERS,"** was on the 30th day of December 2016, duly and regularly passed.



Judith T. Won Pat, Ed.D.
Speaker

Attested:



Tina Rose Muña Barnes
Legislative Secretary

This Act was received by *I Maga'låhen Guåhan* this 30^m day of DEC,
2016, at 8:50 o'clock P.M.



PAMELA A. LOPEZ
Assistant Staff Officer
Maga'låhi's Office

APPROVED:

EDWARD J.B. CALVO
I Maga'låhen Guåhan

Date: _____

Public Law No. _____

I MINA 'TRENTAI TRES NA LIHESLATURAN GUÅHAN
2016 (SECOND) Regular Session

Bill No. 358-33 (COR)

As substituted by the Committee on
Appropriations and Adjudication.

Introduced by:

Dennis G. Rodriguez, Jr.

T. C. Ada

V. Anthony Ada

FRANK B. AGUON, JR.

Frank F. Blas, Jr.

B. J.F. Cruz

James V. Espaldon

Brant T. McCreadie

Tommy Morrison

T. R. Muña Barnes

R. J. Respicio

Michael F.Q. San Nicolas

Mary Camacho Torres

N. B. Underwood, Ph.D.

Judith T. Won Pat, Ed.D.

**AN ACT TO *AMEND* §§ 1909(i) AND 1907(c), AND TO
ADD NEW SUBSECTIONS (e), (f), (g) AND (h) TO § 1907,
ALL OF CHAPTER 19, TITLE 1, GUAM CODE
ANNOTATED, RELATIVE TO GRANTING INCREASED
AUTONOMY TO THE OFFICE OF PUBLIC
ACCOUNTABILITY ON PERSONNEL MATTERS.**

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
3 that the people of Guam first elected a Public Auditor for the government of Guam
4 in 2000. The election of the Public Auditor provides for more independence of that

1 office from *I Maga'låhen Guåhan* and *I Liheslaturan Guåhan*, which is
2 appropriate for the wide-ranging duties of the Public Auditor and the Office of
3 Public Accountability as the main independent auditor of the government of Guam.

4 *I Liheslaturan Guåhan* further finds that the Office of Public Accountability
5 experiences difficulties with government bureaucracy, specifically concerning
6 personnel recruitment. These problems have diminished the ability of the Office of
7 Public Accountability to effectively and efficiently execute its duties and
8 responsibilities.

9 *I Liheslaturan Guåhan* finds that the Attorney General of Guam, as provided
10 for in Chapter 30, Division 3, Title 5, Guam Code Annotated, is authorized to
11 administer matters pertaining to the personnel of the Office of the Attorney
12 General of Guam. This level of autonomy allows the Attorney General of Guam to
13 efficiently recruit in a timely manner and retain personnel critical to supporting the
14 mandates of the Office of the Attorney General of Guam.

15 *I Liheslaturan Guåhan* further finds that it is manifestly in the best interests
16 of the people of Guam that the Public Auditor have more autonomy over the Office
17 of Public Accountability. It is only appropriate that the Public Auditor have more
18 control over the administration of the management of the Office of Public
19 Accountability's personnel, including the recruitment, hiring, and retention
20 process. This will only enhance the independence of the Office of Public
21 Accountability.

22 Therefore, it is the intent of *I Liheslaturan Guåhan* to amend and add
23 provisions in Chapter 19 of Title 1, Guam Code Annotated, in order to grant the
24 Office of Public Accountability a level of autonomy similar to the Office of the
25 Attorney General of Guam relative to the recruitment, hiring, and retention of
26 agency personnel.

1 **Section 2.** Subsection (i) of § 1909 of Chapter 19, Title 1, Guam Code
2 Annotated, is *amended* to read:

3 “(i) Subject to the availability of funds provided by annual
4 appropriation by *I Liheslatura* (the Legislature), to employ such necessary
5 staff to carry out the functions and responsibilities of the office; and for such
6 employment, the Public Auditor *shall* serve as the Office of Public
7 Accountability’s appointing authority for all personnel employed at the
8 Office of Public Accountability, hiring employees from an established list of
9 qualified applicants in accordance with established criteria, and assigning,
10 detailing, and transferring employees as the Public Auditor deems necessary
11 for the effective operation of the Office of Public Accountability.”

12 **Section 3.** Subsection (c) of § 1907 of Chapter 19, Title 1, Guam Code
13 Annotated, is hereby *amended* to read:

14 “(c) Administration of General Personnel Matters. The Office of
15 Public Accountability *shall* be responsible for the conduct of operational
16 matters addressing its personnel activities, in accordance with and consistent
17 with the provisions contained herein.”

18 **Section 4.** New Subsections (e), (f), (g) and (h) are hereby *added* to § 1907
19 of Chapter 19, Title 1, Guam Code Annotated, to read:

20 “(e) Administration of Personnel. The Public Auditor is authorized
21 to hire and appoint such personnel, and to fix their duties and responsibilities
22 under and in accordance with Title 4, Guam Code Annotated, as may be
23 necessary for the purposes of this Chapter. Subject to the availability of
24 funds, the Public Auditor is also authorized to procure, in accordance with
25 Guam’s procurement laws and regulations, a private contractor to perform
26 the human resource operations for the Office of Public Accountability or
27 enter into a memorandum of understanding or memorandum of agreement

1 with another agency, public corporation, or instrumentality of the
2 government of Guam to perform such operations for the Office of Public
3 Accountability.

4 (f) Regulations. Consistent with the provisions of § 4105 of Title
5 4, Guam Code Annotated, the Public Auditor may establish rules and
6 regulations governing selection, promotion, performance evaluation,
7 demotion, suspension, and other disciplinary action for the employees of the
8 Office of Public Accountability. Until such time as the Office of Public
9 Accountability adopts its own rules and regulations as provided herein, the
10 rules and regulations adopted by the Department of Administration *shall*
11 continue to apply to the Office of Public Accountability.

12 (g) Contributions to the Government of Guam Retirement Fund
13 and Workers' Compensation Fund. Employees of the Office of Public
14 Accountability *shall* continue to be members of the Government of Guam
15 Retirement Fund, subject to the provisions of § 8105 of Title 4 GCA. The
16 Office of Public Accountability *shall* contribute to the Government of Guam
17 Retirement Fund on the basis of annual billings, as determined by *I*
18 *Liheslaturan Guåhan* or the Government of Guam Retirement Fund, for the
19 government share of the cost of the retirement benefits applicable to the
20 Office of Public Accountability employees, and their beneficiaries. The
21 Office of Public Accountability *shall* also contribute to the Workers'
22 Compensation Fund, on the basis of annual billings as determined by the
23 Workers' Compensation Commissioner, for the benefit payments made from
24 the Workers' Compensation Fund on account of the Office of Public
25 Accountability employees.

26 (h) Post Audit. Persons appointed and employed by the Office of
27 Public Accountability in the classified service *shall* be subject to post-audit

1 review by the Civil Service Commission, and such review *shall* be
2 discretionary.”

3 **Section 5. Effective Date.** The provisions contained herein *shall* be
4 effective upon enactment of this Act.

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