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MINA' TRENTA NA LIHESLATURAN GUAHAN
THIRTIETH GUAM LEGISLATURE
2010 (SECOND) Regular

Bill No. 410-30 (COR)

Introduced by:

FRANK B. AGUON, JR. 

AN ACT TO RESTORE THE COMMUNITY HEALTH CENTER COUNCIL'S AUTHORIZATION TO ACCESS AND EXPEND FUNDS FROM THE COMMUNITY HEALTH CENTER REVOLVING FUND; BY REPEALING SUBSECTION (g) OF §3811, ART. 8, CH. 3, 10 GCA; AND, TO ENSURE ACCOUNTABILITY BY REQUIRING MONTHLY FINANCIAL REPORTS AND AN ANNUAL AUDIT.

BE IT ENACTED BY THE PEOPLE OF GUAM:

1 **Section 1. Legislative Intent:** It was the intent of Public Law 30-106 and
2 Public Law 30-108 to protect the Community Health Center Revolving Fund for
3 the exclusive purpose of funding the operations of the Community Health Centers
4 of the Department of Public Health & Social Services, as deemed appropriate by
5 the Community Health Center Council. *I Liheslaturan Guahan* finds that
6 Subsection (g) of §3814, Article 8, Chapter 3, Title 10, Guam Code Annotated,
7 inadvertently inhibits the ability of the Community Health Center Council to
8 directly access and expend funds necessary for the operations of the Community
9 Health Centers. This statutory constraint is found to be impeding the timely
10 payment of vendors and other debt service obligations, and thereby reducing the
11 quality and quantity of services being offered and/or provided. It is the intent of *I*
12 *Liheslaturan Guahan* to restore the Council's access to the Fund by repealing
13 Subsection (g) of §3811, 10 GCA.
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1 *I Liheslaturan Guahan* finds, however, that while a certain discretionary
2 flexibility is appropriate in the management of the Fund, it is nonetheless necessary
3 to ensure that all activities relative to the Fund remain transparent and subject to
4 public scrutiny and accountability. It is therefore the intent of *I Liheslaturan*
5 *Guahan* to provide for mandatory monthly reporting, as well as the inclusion of
6 Fund in the annual government of Guam audit and report.

7 **Section 2.** Subsection (g) of §3811, Article 8, Chapter 3, Title 10, Guam
8 Code Annotated, is repealed.

9 [~~“(g) No expenditures and encumbrances from the Fund shall be made~~
10 ~~without appropriation by *I Liheslaturan Guahan*.”]~~

11 **Section 3.** A new Subsection (g) is added to §3811, Article 8, Chapter 3,
12 Title 10, Guam Code Annotated, to read:

13 “(g) The Community Health Center Council *shall*, by no later than
14 the 20th day of each month, submit a financial report relative to the status
15 and activities of the Community Health Center Revolving Fund. The
16 monthly report shall be submitted, via the office of the Governor, to the
17 Speaker, and the Chairmen of the Committee on Finance, and the Committee
18 on Health, *I Liheslaturan Guahan*. The report shall, at a minimum, contain:

- 19 i. All expenditures and encumbrances’ (monthly and year-to-
20 date);
- 21 ii. Funds received and source(s);
- 22 iii. Status of accounts receivable for outstanding debts and/or
23 delinquent payment obligations owed to the Community Health
24 Center(s); &

1 iv. Any and all other pertinent information relative to the Fund.”

2 **Section 4.** A new Subsection (h) is added to §3811, Article 8, Chapter 3,
3 Title 10, Guam Code Annotated, to read:

4 **“(h)** The Community Health Center Revolving Fund *shall* be
5 included in the government of Guam annual audit review and report.”