

*I Mina'Trentai Dos Na Liheslaturan Guahan*  
**Bill Log Sheet**

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	120 DAY DEADLINE	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	STATUS
22-32 (COR)	T. C. Ada, B. J.F. Cruz, R. J. Respicio	AN ACT TO AMEND §2103.12, CHAPTER 2, TITLE 4, GUAM CODE ANNOTATED, RELATIVE TO ACTING APPOINTMENTS IN EXCESS OF NINETY (90) DAYS	1/22/13 4:47p.m.	1/23/13		Committee on General Government Operations and Cultural Affairs			



## COMMITTEE ON RULES

*I Mina'trentai Dos na Liheslaturan Guåhan* • The 32nd Guam Legislature

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January 23, 2013

### MEMORANDUM

**To:** **Rennae Meno**  
*Clerk of the Legislature*

**Attorney Therese M. Terlaje**  
*Legislative Legal Counsel*

**From:** **Senator Rory J. Respicio**   
*Majority Leader & Rules Chair*

**Subject:** **Referral of Bill No. 22-32(COR)**

As the Chairperson of the Committee on Rules, I am forwarding my referral of Bill No. **22-32(COR)**.

Please ensure that the subject bill is referred, in my name, to the respective committee, as shown on the attachment. I also request that the same be forwarded to all members of *I Mina'trentai Dos na Liheslaturan Guåhan*.

Should you have any questions, please feel free to contact our office at 472-7679.




*Si Yu'os Ma'åse!*

Attachment

***I MINA TRENTAI DOS NA LIHESLATURAN GUÅHAN***  
**2013 (First) Regular Session**

Bill No. 22-32(CDR)

Introduced by:

T. C. Ada   
B. J. Cruz   
R. J. Respicio 

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**AN ACT TO AMEND §2103.12, CHAPTER 2, TITLE 4,  
GUAM CODE ANNOTATED, RELATIVE TO ACTING  
APPOINTMENTS IN EXCESS OF NINETY (90) DAYS.**

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan*  
3 finds that continuity of leadership is imperative in maintaining the  
4 effectiveness of an organization.

5 *I Liheslaturan Guåhan* further finds that since the War on Terror has  
6 been declared by the United States, Department of Defense (DOD) and the  
7 Department of Transportation (DOT) Reserve Component Units have been  
8 activated for extended periods of time to engage in this War.

9 It is the intent of *I Liheslaturan Guåhan* that in the event of the  
10 activation of a DOD or DOT Reserve Component Unit wherein the head or  
11 director of a department, agency or instrumentality is a member, to allow for  
12 acting appointments in excess of ninety (90) days.

2013 JAN 22 PM 4:47

1           **Section 2.** §2103.12, Chapter 2, Title 4 GCA is hereby *amended* to  
2   read:

3           (a). *No person who shall be appointed to a position which requires*  
4   *advice and consent of I Liheslatura may serve in an acting capacity as head*  
5   *or director of a department, agency or instrumentality for a period in excess*  
6   *of ninety (90) days. Any employee so appointed shall have the right to*  
7   *return to the position the employee held immediately before the appointment*  
8   *to serve in an acting capacity after the ninety (90) day period is exhausted.*  
9   The time limitation of this Section *may not* be circumvented by an  
10   interruption in the appointment to an acting capacity *or* by transfer back to  
11   the position the employee held immediately before the appointment for a  
12   period of *less than* three hundred sixty (360) days *or* by a temporary transfer  
13   to *any* other position for a period of less than three hundred sixty (360) days.

14           (b). Extended Absence Due to Military Deployment.

15           (1) In the event the head or director of a department, agency or  
16           instrumentality is a member of the Department of Defense or the  
17           Department of Transportation Reserve Component including, but  
18           not limited to, the United States Navy, Marine Corps, Air Force,  
19           the Coast Guard, or the Guam National Guard and the individual's  
20           Unit of Assignment receives a Unit call to active military duty for

1 a period in excess of ninety (90) days, the appointing authority  
2 may appoint a person who is a classified employee of the same  
3 department, agency or instrumentality as the acting head or  
4 director of that department, agency or instrumentality, for a period  
5 of up to fourteen (14) months, or the duration of the active military  
6 duty whichever comes first.

7 (2) Information specified in §2103.5, Chapter 2, Title 4 GCA  
8 shall be transmitted to the Speaker of the Guam Legislature within  
9 ten (10) days of making the appointment. Said appointment shall  
10 become effective five (5) working days from date of receipt of the  
11 background information by the Speaker.

12 (3) Any employee so appointed shall have the right to return to the  
13 position the employee held immediately before the appointment to  
14 serve in an acting capacity after the time limits is exhausted or at  
15 the request of the employee.

16 (4) The time limitation of this Section may not be circumvented  
17 by an interruption in the appointment to an acting capacity or by  
18 transfer back to the position the employee held immediately before  
19 the appointment for a period of less than three hundred sixty (360)

1           days or by a temporary transfer to any other position for a period  
2           of less than three hundred sixty (360) days.

3           (5) The compensation of the employee shall not be made to suffer  
4           as a result of the appointment but instead shall be maintained at the  
5           average of the preceding twelve (12) months earnings.

6           **Section 3. Severability.** If any of the provisions of this law or its  
7           application to any person or circumstance is found to be invalid or contrary  
8           to law, such invalidity shall not affect other provisions or applications of this  
9           law which can be given effect without the invalid provisions or application,  
10          and to this end the provisions of this law are severable.

11          **Section 4. Effective Date.** This Act shall become effective upon  
12          enactment.