


MINA' BENTE O CHO NA LIHESLATURAN GUÅHAN
2005 (FIRST) REGULAR SESSION

Bill No. 212 (FC)

Introduced by:


Committee on Calendar
*By request of I Maga'lahaen
Guåhan in accordance with
the Organic Act of Guam.*

**AN ACT TO CREATE A NEW CHAPTER 91, 5 GCA
FOR THE PURPOSE OF ESTABLISHING THE
DEPARTMENT OF FINANCE AND
ADMINISTRATION, TO REORGANIZE AND TO
CONSOLIDATE SEVERAL GOVERNMENT OF
GUAM AGENCIES**

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. A new Chapter 91 is added to 5 GCA to read as follows:

“Chapter 91

FINANCE AND ADMINISTRATION

Section 91101. Legislative Findings.

I Liheslaturan Guåhan finds that it is in the public interest to create a Department of Finance and Administration (DFA), to consolidate the activities of the Department of Administration and the Accounting Division, Data Processing Division, Human Resources Division and Procurement Division at the Guam Public School System, and to vest said new department with such

powers as have heretofore been exercised by the respective former departments and agencies, or portions thereof.

It is the intent of *I Liheslaturan Guåhan* that this Act shall *not* relieve said departments and agencies of or modify in any way other than as expressly set forth herein any of the respective existing rights, duties or obligations of the departments or agencies and that such respective rights, duties and obligations shall continue uninterrupted, inclusive of, but *not* limited to, any financial obligations of said departments and agencies.

Section 91102. Creation of the Department of Finance and Administration. There is created the Department of Finance and Administration (hereinafter referred to as the "DFA" or "the Department"), a department within the Executive Branch of the government of Guam.

Section 91103. Director Functions. (a) **Department Head.** The Department of Finance and Administration shall be headed by a Director of Finance and Administration (hereafter referred to as "the Director") who shall be appointed by *I Maga'lahren Guåhan* with the advice and consent of *I Liheslaturan Guåhan*. All functions of all officers, employees, and organizational units of the Department are vested in the Director.

(b) **Functions and Delegation Authority.** Except as otherwise provided by this Act, the Director may delegate any of the Director functions. The Director shall have the authority to enter into contracts, grants, and cooperative agreements, and to enter into agreements with other executive agencies, as may be necessary and proper to carry out the Director's other responsibilities under this Act or otherwise provided by law. The Director shall take reasonable steps to ensure that information systems and databases

of the Department are compatible with each other and with appropriate databases of other Departments.

Section 91104. Transfer of responsibilities of the Department of Administration to the Department of Finance and Administration. Except as provided in this act, all programs, mandates, responsibilities and duties of the Department of Administration, as detailed in Division 1, 5 GCA and Division 2 of 5 GCA, or in other laws of Guam, are transferred to the Department of Finance and Administration.

Section 91105. Maintenance of effort of federally-funded programs in the Department of Administration. The Department of Finance and Administration shall undertake and ensure full continuance, operation and maintenance of effort for such programs currently established under the purview of the Department of Administration for which federal funding or support has been attained, and shall meet all reporting or other requirements pursuant to such assistance or funding.

Section 91106. Transfer of funds and assets of the Department of Administration. The balance of all funds appropriated to the Department of Administration, and all balances held in revolving funds, and all funds available to the Department of Administration shall be transferred to the Department of Finance and Administration. All real property under the management of the Department of Administration shall be transferred to the management of the Department of Finance and Administration. All supplies,

equipment and all material assets of the Department of Administration shall be transferred to the Department of Finance and Administration.

Section 91107. Transfer of responsibilities of the Accounting Operations, Data Processing, Human Resources and Procurement functions of the Guam Public School System from the Guam Public School System to the Department of Finance and Administration. The Accounting Operations, Data Processing, Human Resources and Procurement functions of the Guam Public School System, and all mandates, programs and activities, whether federally or locally funded, are transferred herein to the Department of Finance and Administration. The Department of Finance and Administration shall maintain all efforts and be responsible for all activities, reporting or other requirements pursuant to federal assistance. All assets and the balance of any appropriations to the Accounting Operations, Data Processing, Human Resources and Procurement functions of the Guam Public School System shall be transferred to the Department of Finance and Administration.

Section 91108. Internal Structure. The Director of Finance and Administration shall organize and arrange the work of the Department of Finance and Administration, and may establish such divisions, programs or offices as necessary within the Department of Finance and Administration.

Section 91108. Effective dates and transition period. This act shall be effective one hundred twenty (120) days after its enactment into law. During this one hundred twenty (120) day transition period, the directors of such departments or agencies affected by this act shall undertake such activity as is

necessary to effect the smooth transfer of employees, assets and funding pursuant to the provisions of this chapter.

Section 91109. References. Upon the effective date of this act, all references in the laws of Guam and the rules and regulations of the government of Guam to the Department of Administration and all references to the director shall be construed as referring to the Department of Finance and Administration and the Director of Finance and Administration respectively.

Section 91110. Except as provided in this Chapter, nothing herein shall be construed as amending or repealing any provision, section or part of the Guam Code Annotated.

Section 91111. Severability. *If any provision of this Law or its application to any person or circumstance is found to be invalid or contrary to law, such invalidity shall not affect other provisions or applications of this Law which can be given effect without the invalid provisions or application, and to this end the provisions of this Law are severable."*