

I MINA' BENTE NUEBI NA LIHESLATURAN GUÅHAN
2008 (SECOND) REGULAR SESSION

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Bill No. 334 (EC)

Introduced by:

v.c. pangelinan

AN ACT TO AMEND SUBSECTIONS (d) AND (e) OF
§2103.9 OF CHAPTER 2, TITLE 4, GUAM CODE
ANNOTATED RELATIVE BOARDS AND
COMMISSION MEMBERS .

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. Legislative Findings and Intent. *I Liheslaturan Guahan* finds
3 that individuals who are appointed by the Governor to serve on a board or
4 commission on Guam and are in an acting capacity pending confirmation by *I*
5 *Liheslaturan Guahan* are currently allowed certain privileges during the
6 respective agency board and commission meetings. Through its research, *I*
7 *Liheslaturan Guahan* has not found any statute or law that allows board and
8 commission members any powers, such as voting privileges while in an acting
9 capacity.

10 Therefore, *I Liheslaturan Guahan* intends to clarify the powers of
11 individuals appointed by the Governor to serve on Boards and Commissions,
12 who have yet to be confirmed by *I Liheslaturan Guahan* and are attending
13 board and commission meetings in an acting capacity.

14 Section 2. Subsections (d) and (e) of §2103.9 of Chapter 2, Title 4,
15 Guam Code Annotated are hereby amended to read:

1 (d) ~~No person shall serve for a period in excess of one year in an acting~~
2 ~~capacity on any board or commission, which shall include a period in time~~
3 ~~during which the position was held over.~~ No person may be appointed to
4 serve in an acting capacity on any board or commission requiring legislative
5 advice and consent. ~~unless that person has been nominated by the appointing~~
6 ~~authority to serve in that position in a permanent capacity and the nomination~~
7 ~~has been received by *Lihislatura*.~~ Failure to comply with this Subsection shall
8 render the actions of a defective appointee null and void.

9 (e) An appointed board or commission member may continue to serve
10 for ninety (90) calendar plus three (3) legislative days in that person's position
11 after that person's term has expired in an acting holder capacity until that
12 person, or another person, is appointed by *I Maga'lahaen Guahan* [Governor]
13 and confirmed by *I Liheslaturan Guahan* [the Legislature].; ~~provided, that the~~
14 ~~time limits imposed by law on acting appointments shall apply.~~

15 **Section 3. Severability.** If any of the provisions of this Act or the
16 application thereof to any person or circumstance is held invalid, such
17 invalidity shall not affect any other provision or application of this Act which
18 can be given effect without the invalid provision or application, and to this
19 end the provisions of this Act are severable.