

I MINA'BENTE NUEBI NA LIHESLATURAN GUÅHAN  
2008 (SECOND) Regular Session

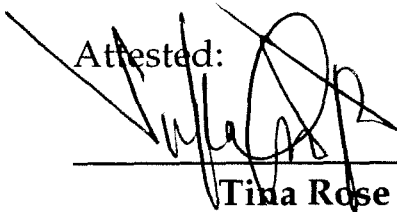
CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN

This is to certify that Bill No. 295 (EC), "AN ACT TO AMEND §§2103.12 AND 2103.9 (d) AND (e) OF TITLE 4 OF THE GUAM CODE ANNOTATED, RELATIVE TO APPOINTMENTS, IN AN ACTING CAPACITY, TO POSITIONS REQUIRING THE ADVICE AND CONSENT OF I LIHESLATURA, AS HEAD OR DIRECTOR OF A DEPARTMENT, AGENCY, OR INSTRUMENTALITY, OR AS MEMBER OF A BOARD OR COMMISSION," was on the 9<sup>th</sup> day of August, 2008, duly and regularly passed.



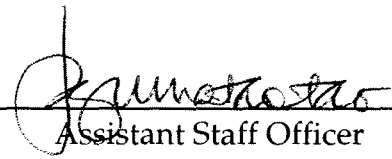
Judith T. Won Pat  
Speaker

Attested:



Tina Rose Muña Barnes  
Senator and Secretary of the Legislature

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This Act was received by *I Maga'lahaen Guåhan* this 11 day of Aug, 2008, at 4:40 o'clock P.M.



Assistant Staff Officer  
*Maga'lahaen's Office*

APPROVED:

\_\_\_\_\_  
FELIX P. CAMACHO  
*I Maga'lahaen Guåhan*

Date: \_\_\_\_\_

Public Law No. \_\_\_\_\_

***I MINA'BENTE NUEBI NA LIHESLATURAN GUÅHAN***  
**2008 (SECOND) Regular Session**

**Bill No. 295 (EC)**

As amended on the Floor.

Introduced by:

B. J.F. Cruz  
Judith P. Guthertz, DPA  
Frank F. Blas, Jr.  
Edward J.B. Calvo  
James V. Espaldon  
Mark Forbes  
Frank T. Ishizaki  
J. A. Lujan  
Tina Rose Muña Barnes  
A. B. Palacios, Sr.  
v. c. pangelinan  
R. J. Respicio  
Dr. David L.G. Shimizu  
Ray Tenorio  
J. T. Won Pat, Ed.D.

**AN ACT TO *AMEND* §§2103.12 AND 2103.9 (d) AND (e) OF TITLE 4 OF THE GUAM CODE ANNOTATED, RELATIVE TO APPOINTMENTS, IN AN ACTING CAPACITY, TO POSITIONS REQUIRING THE ADVICE AND CONSENT OF *I LIHESLATURA*, AS HEAD *OR* DIRECTOR OF A DEPARTMENT, AGENCY, *OR* INSTRUMENTALITY, *OR* AS MEMBER OF A BOARD *OR* COMMISSION.**

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

**Section 1.** §2103.12, Chapter 2 of Title 4 of the Guam Code Annotated, is *amended* to read:

“§2103.12. **Acting Capacity.** No person who *shall* be appointed to a position which requires advice and consent of *I Liheslatura* may serve in an acting capacity as head *or* director of a department, agency *or*

1 instrumentality for a period in excess of ninety (90) days. Any employee so  
2 appointed *shall* have the right to return to the position the employee held  
3 immediately before the appointment to serve in an acting capacity after the  
4 ninety (90) day period is exhausted. The time limitation of this Section may  
5 not be circumvented by an interruption in the appointment to an acting  
6 capacity *or* by transfer back to the position the employee held immediately  
7 before the appointment for a period of *less than* three hundred sixty (360)  
8 days *or* by a temporary transfer to any other position for a period of *less than*  
9 three hundred sixty (360) days.”

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

12 "(d) No person may be appointed to serve in an acting capacity on  
13 any Board *or* Commission requiring legislative advice and consent. Failure  
14 to comply with this Subsection *shall* render the actions of a defective  
15 appointee null and void.

16 (e) An appointed Board *or* Commission member may continue to  
17 serve for ninety (90) calendar plus three (3) legislative days in that person’s  
18 position after that person’s term has expired in an acting holder capacity  
19 until that person, *or* another person, is appointed by *I Maga’lahen Guåhan*  
20 [Governor] and confirmed by *I Liheslaturan Guåhan* [the Legislature]."

21 **Section 3.** Section 2 of this Bill *shall* be effective sixty (60) days from  
22 enactment of this Act.

23 **Section 4. Severability.** *If* any of the provisions of this Act or the  
24 application thereof to any person or circumstance is held invalid, such invalidity  
25 shall *not* affect any other provision or application of this Act which can be given  
26 effect without the invalid provision or application, and to this end the provisions of  
27 this Act are severable.