

Guam Territorial Law Library
141 San Ramon Rd.
Agana, Guam 96910

CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Bill No. 281, "An Act making appropriations for Guam Streets and Highway Improvement Program for fiscal year 1973, and to add Chapter III to Title VII of the Government Code of Guam to provide for a system of public accountability within the government of Guam providing bonds for public officers, and providing for the inspection of public records; to add Sections 1401, 1402, and 1403 to the Government Code of Guam to create a Territorial Auditor and define his qualifications and duties; to amend Section 4106 of said Code for the salary of the Territorial Auditor and to repeal Sections 6105 and 6106 of the Government Code of Guam", was on the 25th day of June, 1973, duly and regularly passed.

W. D. L. Flores

W. D. L. FLORES
Acting Speaker

ATTESTED:

G. M. Bamba

G. M. BAMBA
Legislative Secretary

This Act was received by the Governor this 26th day
of June, 1973 at 3:15 o'clock P.M.

Keith L. Andrews

KEITH L. ANDREWS
Attorney General of Guam

APPROVED:

Carlos G. Camacho

CARLOS G. CAMACHO
Governor of Guam

Public Law

12-34

DATED: July 3, 1973
3:25 p.m.

RECEIVED

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GUAM TERRITORIAL

TWELFTH GUAM LEGISLATURE
1973 (FIRST) Regular Session

Bill No. 281

Substituted Bill by the
Committee on Finance and
Taxation.

AN ACT MAKING APPROPRIATIONS FOR GUAM
STREETS AND HIGHWAY IMPROVEMENT PROGRAM
FOR FISCAL YEAR 1973, AND TO ADD CHAPTER
III TO TITLE VII OF THE GOVERNMENT CODE
OF GUAM TO PROVIDE FOR A SYSTEM OF PUBLIC
ACCOUNTABILITY WITHIN THE GOVERNMENT OF
GUAM PROVIDING BONDS FOR PUBLIC OFFICERS,
AND PROVIDING FOR THE INSPECTION OF PUBLIC
RECORDS; TO ADD SECTIONS 1401, 1402, AND
1403 TO THE GOVERNMENT CODE OF GUAM TO
CREATE A TERRITORIAL AUDITOR AND DEFINE
HIS QUALIFICATIONS AND DUTIES; TO AMEND
SECTION 4106 OF SAID CODE FOR THE SALARY
OF THE TERRITORIAL AUDITOR AND TO REPEAL
SECTIONS 6105 AND 6106 OF THE GOVERNMENT
CODE OF GUAM.

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

2 Section 1. Subsection I of Section 1 of Public Law 11-111,
3 and Section 4 of Public Law 11-215, are herewith repealed
4 in their entirety and expenditures and obligations thereunder
5 are hereby transferred to the appropriations for the projects
6 made by Section 4 of this Act.

7 Section 2. Item II, B, of Section 1 of Public Law 11-111
8 is hereby amended to read as follows:

9 "B. Route 16 - Overlay, Mt. Barrigada

10 TER-F-006(1) 20,394"

11 Section 3. Item II, C, of Section 1 of Public Law 11-111
12 is hereby amended to read as follows:

13 "C. Y-Sengsong Road - Paving,

14 TER-F-102(1) 12,409"

15 Section 4. Federally assisted projects. The following sums,
16 such sums to include 70% Federal share under the Federal Aid

1 Highway Act of 1970, are hereby appropriated from the available
2 balance of the Territorial Highway Fund for the highway, road,
3 and bridge projects designated:

- 4 A. Route 1, Increment III to widen
5 Route 1 from Hospital Road north
6 to Route 10A (Airport Road); curb
7 and sidewalk on each side, finish
8 surface travel and turning lanes,
9 enclosed drainage system, traffic
10 control devices - hospital, Ipao
11 and Airport Road, TER-F-001(1) 1,890,021
- 12 B. Route 2; Reconstruction, 2.5 miles
13 between the junction of Route 2A
14 and Nimitz Beach; reconstructing
15 the roadway installing adequate
16 drainage structures; new sub-
17 structure, and asphaltic-concrete
18 riding surface, TER-F-002(3) 1,095,050
- 19 C. Route 4, Reconstruction, 3.3 miles
20 from Agana east and then south
21 to Umatac - for multi-lane
22 facility with channelized and
23 signalization of intersection in
24 Sinajana, and at Route 10, TER-F-
25 002(4) 1,265,000
- 26 D. Reconstruction of existing Route 7,
27 from Adelup junction past Naval
28 Hospital and Fort Apugan to O'Brien
29 Drive, TER-F-004(1) 425,000
- 30 E. Togcha and Paulilac Bridges, TER-F-
31 002(1) 428,061

1	F. Engineering and right-of-way, Route	
2	7 across Agana swamp to Route 8,	
3	NAS, TER-F-004(2)	22,039
4	G. Route 10A - overlay from Marine	
5	Drive to entrance of International	
6	Air Terminal parking lot, .7 miles,	
7	TER-F-008(1)	170,000
8	H. Route 16 - Overlay Mt. Barrigada,	
9	reconstruction from Route 1 in	
10	Tumon to Route 8 in Barrigada,	
11	4.6 miles, asphaltic-concrete,	
12	open canal, highway markings	
13	and signs, TER-F-006(1)	1,030,000
14	I. Y-Sengsong road reconstruction	
15	from the western boundary of	
16	Kaiser homes in Dededo to one-	
17	half a mile east of the junction	
18	with Route 3, 1.8 miles, asphaltic-	
19	concrete, open canal, highway mark-	
20	ings and signs, TER-F-102(1)	350,000
21	J. Engineering, Talofofu and Inarajan	
22	Bridges, TER-F-002(6)	60,000
23	K. Engineering, Sumay and Liyog Bridges,	
24	TER-F-002(8)	30,000
25	L. Engineering design, Route 1, widening	
26	Route 14 to East Agana TER-F-001(5)	60,000
27	M. Engineering design, Route 1, widening	
28	Route 10A to Dededo, TER-F-001(6)	150,000

29 Section 5. Chapter III is hereby added to Title VII of the
30 Government Code of Guam to read as follows:

1 "CHAPTER III

2 Accountability of Disbursing
3 and Certifying Officers

4 Subchapter I

5 Disbursing and Certifying Officers

6 Section 6200. Definitions.

7 Section 6201. Disbursement of public monies.

8 Section 6202. Certifying officers; register.

9 Section 6203. Disbursing officers; examination of
10 vouchers.

11 Section 6204. Certifying officers; accountability.

12 Section 6205. Certifying officers; enforcement of
13 liability.

14 Section 6206. Certifying and disbursing officers;
15 accountability for correctness of
16 computations.

17 Subchapter II

18 Bonds of Public Officers

19 Section 6241. Bonding of officers and employees.

20 Section 6242. Amount of bond determined.

21 Section 6243. Filing and approval of bonds;
22 register of bonds.

23 Section 6244. Payments of premiums.

24 Subchapter III

25 Records

26 Section 6251. Inspection of public records;
27 certified copies.

28 Section 6252. Fees for certified copies of public
29 records.

30 Subchapter I

31 Disbursing and Certifying Officers

1 Section 6200. Definitions. (a) 'Certifying Officer'
2 shall mean officers or employees designated by law or
3 appointed by the head of a department, establishment,
4 or agency of the government of Guam, including the
5 Legislative, Executive and Judiciary Branches, to deter-
6 mine and certify the legality of the disbursement of
7 public funds.

8 (b) 'Disbursing Officers' shall mean those officers
9 designated or authorized by law to disburse public funds.

10 (c) 'Illegal expenditures' shall mean all expenditures
11 whether made from the General Fund, special funds or trust
12 funds of the government of Guam made in violation of
13 this Chapter and other laws of Guam.

14 (d) 'Fund' as used in Section 6204 of this Chapter
15 shall mean the General Fund and all special and trust funds.

16 (e) 'Appropriation' shall mean any appropriation made
17 by the Guam Legislature within any fund of the government
18 of Guam.

19 (f) 'Territorial Auditor' shall mean the Territorial
20 Auditor established by Section 1401 of this Code.

21 Section 6201. Disbursement of public monies. Disburse-
22 ment of public monies or funds of the territory of Guam
23 shall not be made except as provided in this Chapter and
24 by the persons designated as provided by law.

25 Section 6202. Certifying Officers; register. (a) The
26 director or head of each department, establishment, or
27 agency of the government shall designate such employees of
28 such department, establishment, or agency, as shall be
29 deemed necessary, to act as Certifying Officers, such
30 Certifying Officers to be classified employees of the
31 government of Guam.

amended by PL 12-98_s -

1 (b) The head of each department, establishment or
2 agency shall file with the Director of Administration and
3 with the Territorial Auditor within ten (10) days after
4 appointment, the name and position of each Certifying
5 Officer appointed by him under the provisions of this
6 Chapter.

7 Section 6203. Disbursing Officers; examination of
8 vouchers. Disbursing Officers shall:

9 (1) disburse monies only upon and in strict accor-
10 dance with vouchers duly certified by the Certifying
11 Officer of the department, establishment or agency
12 concerned;

13 (2) make such examination of vouchers as may be
14 necessary to ascertain whether they are in proper form,
15 duly certified and approved, and correctly computed
16 on the basis of the facts certified;

17 (3) be required to give bond in favor of the
18 government of Guam pursuant to the provisions of
19 Subchapter II of this Chapter; and

20 (4) be held accountable for and be required to
21 make good to the government of Guam the amount of
22 any disbursement not made in accordance with this
23 section.

24 Section 6204. Certifying Officers; accountability.

25 (a) The officer or employee certifying a voucher shall:

26 (1) be held responsible for the existence and
27 correctness of the facts recited on the certificate
28 or otherwise stated on the voucher or its supporting
29 papers and for the legality of the proposed payments
30 under the appropriation or fund involved;

31 (2) be required to give bond in favor of the

1 government of Guam pursuant to the provisions of
2 Subchapter II of this Chapter; and

3 (3) be held accountable for and required to make good
4 to the government of Guam the amount of any illegal,
5 improper, or incorrect payment resulting from any
6 false, inaccurate, or misleading certificate made
7 by him, as well as for payment prohibited by law
8 which did not represent a legal obligation under
9 the appropriation or fund involved.

10 (b) Notwithstanding the provisions of Subsection (a)
11 of this section, the Territorial Auditor for Guam may,
12 in his discretion relieve such Certifying Officer or
13 employee of liability for any payment otherwise improper
14 whenever he finds:

15 (1) that the certification was based on official
16 records and that such Certifying Officer or employee
17 did not know, and by reasonable diligence and inquiry
18 could not have ascertained the actual facts; or

19 (2) that the obligation was incurred in good faith,
20 that the payment was not contrary to any statutory
21 provision specifically prohibiting payments of the
22 character involved, and that the government of Guam
23 has received value for such payment; or

24 (3) no relief, however, shall be granted by the
25 Territorial Auditor under this Subsection (b) from any
26 expenditures under any appropriation or against any
27 fund in excess of the amount available therein or
28 from any expenditures made in the absence of an
29 appropriation therefor.

30 Section 6205. Certifying Officers; enforcement of
31 liability. The liability of Certifying Officers or employees

1 shall be enforced in the manner and to the same extent as
2 provided by law with respect to enforcement of the
3 liability of disbursing and other accountable officers;
4 and they shall have the right to apply for and obtain
5 a decision by the Territorial Auditor for Guam on any
6 question of law involved in a payment on vouchers presented
7 to them for certification.

8 Section 6206. Certifying and Disbursing Officers;
9 accountability for correctness of computations. The responsi-
10 bility and accountability of Certifying Officers under this
11 Title shall be deemed to include the correctness of the com-
12 putations of certified vouchers and Disbursing Officers
13 shall not be held liable under this Title for the
14 correctness of such computations.

15 Subchapter II

16 Bonds of Officers and Employees

17 Section 6241. Bonding of officers and employees. All
18 officers and employees of the government of Guam, who serve
19 as Certifying and/or Disbursing Officers or who handle
20 public funds in any manner whatsoever shall be properly
21 bonded for the faithful performance of their duties.

22 Section 6242. Amount of bond determined. The amount
23 of the bond for each officer and employee of the government
24 of Guam covered by this subchapter, shall be determined
25 by the Director of Administration with the approval of
26 the Governor.

27 Section 6243. Filing and approval of bonds; register
28 of bonds. (a) Every bond required by virtue of this
29 subchapter, shall be filed in the office of the Director
30 of Administration who shall approve such bonds as to form
31 and execution and as to the sufficiency of the sureties
32 thereon.

1 (b) A proper register of such bonds shall be kept in
2 the office of the Director of Administration, and a copy
3 of the register furnished to the Territorial Auditor by
4 the Director of Administration.

5 Section 6244. Payment of premiums. Funds shall be
6 appropriated in the annual budgets of the government of Guam
7 to pay the cost of premiums covering bonds required by
8 virtue of this subchapter.

9 Subchapter III

10 Records

11 Section 6251. Inspection of public records; certified
12 copies. Every person has a right to inspect any public
13 writing on record in Guam and every public officer
14 having the custody thereof is bound to permit such
15 inspection, and to give on demand and on payment of the
16 legal fees therefor a certified copy of such writing or
17 record.

18 Section 6252. Fees for certified copies of public
19 records. Except when a different amount is prescribed
20 the following fees shall be paid in advance for certified
21 copies of public records:

22 (1) for making a certified copy, \$.75 cents for
23 the first 300 words or part thereof, and \$.15 cents
24 for each additional 100 words or part thereof.

25 (2) if the record is in a foreign language, \$1.00
26 for each 100 words or part thereof.

27 (3) for comparing for certification a copy furnished
28 by the applicant, one-half the fee for making a copy."

29 Section 6. Sections 1401, 1402 and 1403 are hereby added
30 to the Government Code of Guam to read as follows:

31 "Section 1401. Territorial Auditor. There is within

1 the Legislative Branch of the government of Guam a
2 Territorial Auditor who shall be elected by a majority
3 vote of the members of the Legislature and shall serve
4 for a term of six (6) years. The Territorial Auditor may
5 be re-elected but not serve more than two (2) terms. The
6 Legislature, by a two-thirds vote of the members, may
7 remove or suspend the Territorial Auditor from office,
8 but only for neglect of his duties, misconduct or disability.

9 Section 1402. Same: qualifications. The Territorial
10 Auditor shall be an attorney in good standing before the
11 highest court of any state or territory of the United States
12 or admitted to practice by the District Court of Guam.
13 If not admitted to practice by the District Court of Guam,
14 he shall be granted the same privileges afforded government
15 attorneys pursuant to Section 28002.2 of the Government
16 Code of Guam.

17 Section 1403. Territorial Auditor: duties. The
18 Territorial Auditor shall have the following powers and
19 duties:

20 (a) To direct and supervise all legislative audits
21 conducted pursuant to Section 1400 of this Chapter and to
22 perform or cause to be performed, such audits as may be
23 directed by the Legislature by resolution.

24 (b) To settle in accordance with law and administrative
25 regulations, the accounts of Disbursing Officers and
26 Certifying Officers who are accountable for the proper
27 payment of vouchers certified and presented to them for
28 payment and for cash and related assets in their custody
29 and control. This authority shall not extend to the
30 collection of taxes and shall not be construed so as to
31 repeal any provisions of the Government Claims Act

1 commencing with Section 6500.00 of the Government Code of
2 Guam.

3 (c) To communicate directly with any person or with
4 any department officer or person having official
5 relation with his office in any matter relating to the
6 expenditures of government funds and property or to the
7 settlement thereof.

8 (d) To require the production of any books, records
9 or documents in the exercise of his powers and the carrying
10 out of his duties under this Act and other laws of Guam.

11 (e) To carry out such other duties and powers as may
12 be designated to him by law.

13 (f) To submit annual reports to the Legislature within
14 ninety (90) days after the close of each government fiscal
15 year, such reports to include his recommendations for
16 necessary legislation to improve, and to protect the
17 integrity of the financial transactions and condition of the
18 government.

19 (g) To make rules and regulations, subject to the
20 consent of the Legislature and the provisions of the
21 Administrative Adjudication Act, as may be necessary to
22 carry out the duties and powers given him by this section
23 and other laws of Guam.

24 (h) To report to the Attorney General of Guam for
25 prosecution all violations of law coming to his attention
26 where such violations pertain to the expenditures of funds
27 and property of the government of Guam, including those
28 pertaining to trust funds held by the government of Guam.

29 (i) Subject to the availability of funds provided by
30 annual appropriation by the Legislature, to employ such
31 necessary staff to carry out the functions and

1 responsibilities of his office, such employees to be
2 classified employees of the government of Guam."

3 Section 7. Section 4106 of the Government Code of Guam is
4 hereby amended, where pertinent, by adding the following:

5 "Territorial Auditor \$ 25,000"

6 . Section 8. Sections 6105 and 6106 are hereby repealed.

7 Section 9. Section 5 of this Act shall become effective
8 January 1, 1974, and all other provisions shall become effective
9 upon their enactment.