



*Territory of Guam*  
*Territorio Guam*

OFFICE OF THE GOVERNOR  
UFISINAN I MAGA'LAHI  
AGANA, GUAM 96910 U.S.A.

RECEIVED  
OFFICE OF THE SPEAKER  
DATE: 4/5/94  
TIME: 10:10am  
RECD BY: [Signature]

APR 1 1994

The Honorable Joe T. San Agustin  
Speaker, Twenty-Second Guam Legislature  
155 Hesler Street  
Agana, Guam 96910

*Legislative Department*  
*[Signature]*

Dear Mr. Speaker:

Transmitted herewith is Bill No. 414 which I have signed into law this date as  
Public Law 22-108.

Sincerely yours,

*Joseph F. Ada*  
JOSEPH F. ADA  
Governor of Guam

**22-615**

Attachment

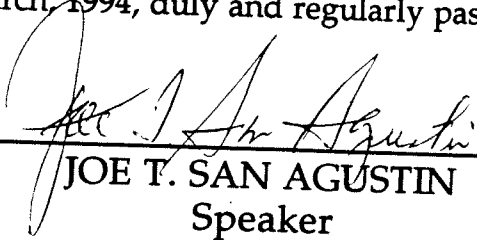


Commonwealth Now!

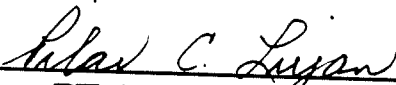
TWENTY-SECOND GUAM LEGISLATURE  
1994 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

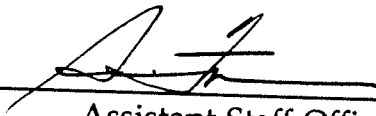
This is to certify that Substitute Bill No. 414 (LS), "AN ACT TO REFORM THE PROCESS OF APPOINTMENTS AND CONFIRMATION PROCESS AND TO RESTRICT ACTING APPOINTMENTS BY AMENDING §2103 OF TITLE 4, GUAM CODE ANNOTATED, BY ADDING §§2103a, 2103b, 2103c, 2103d, 2103e, 2103f, 2103g, 2103h, 2103j, AND 2103k TO SAID TITLE, AND BY AMENDING §§2106, 2107 AND 4118 OF SAID TITLE, AND TO REPEAL §2103.2 OF SAID TITLE; AND TO AMEND PARAGRAPH (c) OF §3109, TITLE 7, GUAM CODE ANNOTATED, TO LOWER THE NUMBER OF YEARS OF PRACTICE IN GUAM OF APPOINTEES TO THE SUPERIOR COURT OF GUAM," was on the 14th day of March, 1994, duly and regularly passed.

  
\_\_\_\_\_  
JOE T. SAN AGUSTIN  
Speaker

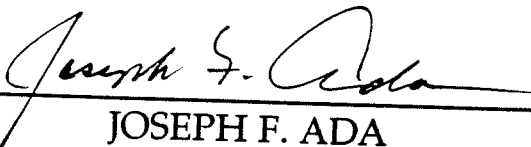
Attested:

  
\_\_\_\_\_  
PILAR C. LUJAN  
Senator and Legislative Secretary

-----  
This Act was received by the Governor this 21st day of March, 1994, at  
11:07 o'clock A.M.

  
\_\_\_\_\_  
Assistant Staff Officer  
Governor's Office

APPROVED:

  
\_\_\_\_\_  
JOSEPH F. ADA  
Governor of Guam

Date: APR 01 1994

Public Law No. 22-108

TWENTY-SECOND GUAM LEGISLATURE  
1993 (FIRST) Regular Session

Bill No. 414 (LS)

As substituted on the floor.

Introduced by:

D. Parkinson  
T. S. Nelson  
C. T. C. Gutierrez  
T. C. Ada  
J. P. Aguon  
E. P. Arriola  
M. Z. Bordallo  
H. D. Dierking  
P. C. Lujan  
V. C. Pangelinan  
E. D. Reyes  
J. T. San Agustin  
F. E. Santos  
D. L. G. Shimizu  
J. G. Bamba  
A. C. Blaz  
D. F. Brooks  
F. P. Camacho  
M. D. A. Manibusan  
T. V. C. Tanaka  
A. R. Unpingco

AN ACT TO REFORM THE PROCESS OF APPOINTMENTS AND CONFIRMATION PROCESS AND TO RESTRICT ACTING APPOINTMENTS BY AMENDING §2103 OF TITLE 4, GUAM CODE ANNOTATED, BY ADDING §§2103a, 2103b, 2103c, 2103d, 2103e, 2103f, 2103g, 2103h, 2103j, AND 2103k TO SAID TITLE, AND BY AMENDING §§2106, 2107 AND 4118 OF SAID TITLE, AND TO REPEAL §2103.2 OF SAID TITLE; AND TO AMEND PARAGRAPH (c) OF §3109, TITLE 7, GUAM CODE ANNOTATED, TO LOWER THE NUMBER OF YEARS OF PRACTICE IN GUAM OF APPOINTEES TO THE SUPERIOR COURT OF GUAM.

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

2 **Section 1.** §2103 of Title 4, Guam Code Annotated, is amended to read:

3 **"§2103. Same: Where consent of the Legislature required.**

4 Whenever an appointment by the Governor requires the consent of the  
5 Legislature, the Governor shall submit such appointment to the  
6 Legislature within ten (10) days of making the appointment. If such  
7 Legislature has adjourned sine die, then the appointment shall be  
8 submitted to the first meeting of the next Legislature within ten (10)  
9 days after the commencement thereof. Whenever the Legislature has  
10 adjourned sine die without having confirmed or rejected an  
11 appointment, such appointment shall thereupon automatically  
12 terminate. Any appointment not submitted to the Legislature in  
13 accordance with this Section shall automatically terminate as of the end  
14 of the last day available for submission. Any office to which  
15 appointment requires legislative consent which becomes vacant shall  
16 remain vacant until the Legislature consents to the appointment;  
17 **provided**, however, that the confirmation of an Acting appointee shall  
18 automatically include approval of retroactive pay to the date of his  
19 acting appointment. As to positions requiring legislative appointment,  
20 no appointment or acting appointment to fill a position which is vacant  
21 is effective until the appointment or acting appointment is transmitted  
22 to the Speaker of the Legislature.

23 **Section 2.** A new §2103a is added to Title 4, Guam Code Annotated, to

24 read:

25 **"§2103a. Definitions.** As used in this chapter, the following terms  
26 have the following meanings:

1 (1) "Appointing authority" - either the governor of Guam or any  
2 other board, commission or duly authorized public entity or individual  
3 charged with the duty to appoint an approved official or an approved  
4 board official.

5 (2) "Appointed official" - any official who is appointed by the  
6 Governor.

7 (3) "Approved official" - an official who is appointed by the  
8 Governor with the advice and consent of the Legislature.

9 (4) "Appointed position" - any position which is filled by  
10 appointment by the Governor.

11 (5) "Approved position" - a position which is filled by the  
12 Governor with the advice and consent of the Legislature.

13 (6) "Appointed board official" - any official who is appointed by  
14 any board or commission of the government of Guam.

15 (7) "Approved board official" - an official who is appointed by  
16 any board or commission with the advice and consent of the  
17 Legislature.

18 (8) "Official" - a member of a board or commission of the  
19 government of Guam, or an officer or employee of the government of  
20 Guam.

21 (9) "Undated courtesy resignations" - the practice of requiring or  
22 submitting undated resignations to be accepted at a later date by the  
23 appointing authority.

24 (10) "Legislative day" - a day during which the Legislature is in  
25 actual session, and during which it engages or may engage in debate.  
26 Excluded are sessions in which the Legislature convenes solely for

1 ceremonial purposes for state funerals or addresses by the Governor,  
2 Presiding Judge, or Guam Delegate. In computing the period 'ninety  
3 (90) days plus three (3) legislative days' or any similar terminology using  
4 a different number of days, the term "plus \_\_ Legislative days" shall be  
5 deemed to refer to legislative days which occur following the expiration  
6 of the ninety (90) day or other initial period.

7 (11) "Acting appointment" - the filling of a position by a person  
8 who has not been appointed to fill the position on a permanent basis, or,  
9 in the case of positions requiring the advice and consent of the  
10 Legislature, the situation where a person is filling the position in an  
11 acting capacity, has been nominated to fill the position permanently, but  
12 has not been confirmed to the position by the Legislature. Acting  
13 appointments include so-called "holdover" positions on boards and  
14 agencies, such as when the enabling legislation provides that an  
15 appointee shall serve until his or her successor is appointed. In  
16 construing the time limits in this chapter, all time as an acting appointee  
17 shall be included together, even if such acting time was spent in an  
18 acting position pursuant to different appointments or as a holdover.

19 (12) "Acting capacity" - the serving of a person in a position in an  
20 acting capacity or pursuant to an acting appointment.

21 (13) "Salaried position" - any position receiving a salary, but not  
22 including members of boards and commissions receiving a stipend for  
23 each meeting attended.

24 (14) "Ninety (90) days" - in computing the ninety (90) day time limit  
25 imposed in this chapter, the term ninety (90) days shall mean ninety (90)  
26 days from the date of the initial acting appointment, without regard to

1 weekends, holidays, nor any lapses in the acting appointment of less  
2 than thirty (30) days."

3 **Section 3.** A new §2103b is added to Title 4, Guam Code Annotated, to  
4 read as follows:

5 **"§2103b. Submission for legislative advice and consent.** The  
6 appointing authority shall submit to the Speaker of the Legislature the  
7 name of the nominee to a position in a Nomination Letter to be hand  
8 delivered to the office of the Speaker. The Nomination Letter shall  
9 include the following: Name; position to which the appointment is  
10 made; address; citizenship; age; educational background; prior  
11 government service whether within or without the government of  
12 Guam; information pertinent to the position's qualification; police  
13 clearance report; facts concerning military service, if any, including type  
14 of discharge, branch, rank at discharge, current status, a record of any  
15 court martials or of any non-judicial punishment imposed under the  
16 Uniform Code of Military Justice; special distinctions and honors;  
17 whether the nominee has been declared mentally incompetent by any  
18 court, whether within or without the United States and if so, specify in  
19 detail reasons and facts related to such declaration; whether the  
20 nominee has been found not guilty or not punishable in any criminal  
21 proceedings by reason of insanity; whether the nominee has been  
22 confined to a mental institution for any reason and if so, the reasons  
23 why the appointing authority believes the nominee is not suffering from  
24 any mental illness or affliction. The applicant shall execute an affidavit  
25 under penalty of perjury that he or she has read and reviewed the  
26 information contained in the Nomination Letter from the Governor

1 that the matters contained in such Nomination Letter and all  
2 attachments thereto and are true and correct. If the applicant cannot or  
3 will not certify or verify the accuracy of any part of the Nomination  
4 Letter, it shall be so noted in his or her affidavit. If Legislature fails to  
5 act on such Nomination Letter within one hundred eighty (180) days of  
6 its receipt by the Speaker, the nomination shall be deemed  
7 disapproved."

8 **Section 4.** A new §2103c is hereby added to Title 4, Guam Code  
9 Annotated, to read:

10 **"§2103c. Resignations from positions.**

11 (1) A resignation from any position shall be in writing  
12 ("Resignation Letter") and directed to the appointing authority, and  
13 shall, by its terms, be effective immediately or on a date certain. If no  
14 effective date is indicated, it shall be effective upon delivery to the  
15 appointing authority. Upon receipt by the appointing authority of any  
16 such Resignation Letter, the appointing authority may make the  
17 resignation effective immediately or sooner than the effective date in  
18 the Resignation Letter. Such resignation shall be effective according to  
19 its terms unless the appointing authority, at its discretion, makes the  
20 resignation effective immediately or at sometime sooner than the  
21 Resignation Letter. If the position involved requires the advice and  
22 consent of the Legislature, the appointing authority shall immediately  
23 after receipt of the Resignation Letter forward a copy of such  
24 Resignation Letter to the Speaker of the Legislature. Once such a  
25 Resignation Letter is delivered to the appointing authority, it may not  
26 be later withdrawn by the resigning person **without** the consent of the



1 appointing authority. Acceptance of such resignation by the appointing  
2 authority is not required for the resignation to become effective.

3 (2) When, as to positions requiring the advice and consent of the  
4 Legislature, the appointing authority and the appointee following  
5 delivery of a Resignation Letter to the appointing authority, jointly  
6 decide to withdraw the resignation after its submittal, the appointing  
7 authority shall within five (5) calendar days submit the name of the  
8 appointee to the Legislature for a new confirmation process as a new  
9 appointee.

10 (3) A Resignation Letter by any officer or employee of the  
11 government of Guam, its agencies and instrumentalities, which is  
12 directed to the Governor or directed to any of the person's supervisors  
13 shall be treated as a non-revocable resignation as if it had been directed  
14 to an appointing authority.

15 (4) In the case of appointments awaiting action by the  
16 Legislature for confirmation, either the appointing authority or the  
17 appointee may unilaterally request the Speaker of the Legislature to  
18 withdraw the nomination of the appointee, which withdrawal shall be  
19 effective immediately. Such a withdrawal of nomination shall have the  
20 effect of terminating any acting appointments for the position in  
21 question which the appointee may hold.

22 (5) In the case of resignations by elected officials, every elected  
23 official except the Governor and a senator, may submit a Resignation  
24 Letter to the Governor. The Governor may submit a Resignation Letter  
25 to the Speaker of the Legislature, and a senator may submit a

1 Resignation Letter to either the Governor or the Speaker. A judge or  
2 justice shall submit a Resignation Letter to the Governor.

3 Section 5. §2103d is hereby added to Title 4, Guam Code Annotated, to  
4 read:

5 "§2103d. Undated 'courtesy' resignations not allowed. The  
6 practice of requiring or submitting undated resignations to be accepted  
7 at a later date by the appointing authority or any other person is hereby  
8 declared to be contrary to public policy for any position within the  
9 government of Guam. Neither the Governor of Guam nor any other  
10 person may request an undated resignation letter or courtesy  
11 resignation from any officer or employee of the government of Guam,  
12 whether or not the position held by such person is subject to the advice  
13 and consent of the Legislature; and no officer or employee of the  
14 government of Guam shall submit such an undated resignation letter,  
15 and any such undated "courtesy" resignation letter submitted in  
16 violation of this section shall be void."

17 Section 6. §2103e is hereby added to Title 4, Guam Code Annotated, to  
18 read:

19 "§2103e. Moving from unclassified to classified position. No  
20 government of Guam official or employee who occupies an unclassified  
21 position within the government of Guam, (including positions on  
22 boards and commissions which are paid a stipend for each meeting  
23 attended), may fill a permanent classified position with the government  
24 of Guam for a period of one hundred eighty (180) days following  
25 termination of his or her employment at the unclassified position;  
26 provided, however, that such a former unclassified official or employee

1 may be hired to fill a critical, but vacant, classified position during such  
2 one hundred eighty (180) day period, but such appointment may not be  
3 made permanent during such one hundred eighty (180) day period, and  
4 the person shall be subject to dismissal without cause during the one  
5 hundred eighty (180) day period in the same manner as an unclassified  
6 employee, notwithstanding any other law, or rule, or regulation of the  
7 government of Guam to the contrary."

8 **Section 7.** §2103f is hereby added to Title 4, Guam Code Annotated, to  
9 read:

10 **"§2103f. Time limits on Acting Capacity for positions requiring**  
11 **legislative approval.**

12 (1) The Governor or appointing authority may, by separate  
13 appointment, appoint a person in an acting capacity to fill a salaried  
14 position which requires the advice and consent of the Legislature. In  
15 any twelve (12) month period, no person may serve in such an acting  
16 capacity for a total of more than ninety (90) days plus three (3)  
17 legislative days. This section does not apply to appointments to  
18 classified positions, but does apply to classified employees appointed in  
19 an acting capacity to positions requiring the advice and consent of the  
20 Legislature.

21 (2) In the event of his or her rejection, a candidate's nomination  
22 may be resubmitted by the appointing authority to fill the same position,  
23 but the candidate may not function in an acting capacity for that  
24 position following such rejection, and may assume the position only  
25 when confirmed by the Legislature.

1 (3) No funds appropriated by law may be expended to pay a  
2 salary or any personnel benefits of any kind or to pay someone on  
3 payroll or contract who serves in an acting capacity in a position to  
4 which he or she was appointed by the Governor and subsequently  
5 denied confirmation by the Legislature, for a period of three (3) years  
6 following rejection of his or her appointment by the Legislature.

7 (4) No person shall serve more than a total of ninety (90) days  
8 plus three (3) legislative days during any twelve (12) month period in an  
9 acting capacity on any board or commission (which shall include a  
10 period in time during which the position was held over, following  
11 election of a new administration). No person may be appointed to serve  
12 in an acting capacity on any board or commission unless that person has  
13 been nominated by the appointing authority to serve in that position in  
14 a permanent capacity.

15 (5) An appointed board or commission member may continue to  
16 serve in his or her position after his or her term has expired in an acting  
17 holdover capacity until he or she or another person is appointed and  
18 confirmed by the Legislature; provided, that the time limits imposed by  
19 law on acting appointments shall apply.

20 (6) The ninety (90) calendar day plus the three (3) legislative day  
21 limitation period for serving in an acting capacity shall not be tolled  
22 because another person is serving in a temporary acting capacity during  
23 the nominee's absence nor shall it be tolled by the appointment of some  
24 other person to temporarily fill the position in an acting capacity."

25 **Section 8.** §2103g is hereby added to Title 4, Guam Code Annotated, to

26 read:

1           **"§2103g. Withdrawal of Nomination.** The appointing authority  
2 or the appointee may withdraw a Nomination Letter at any time prior  
3 to confirmation by delivering a letter of withdrawal to the Speaker.  
4 The withdrawal shall become effective upon receipt by the Speaker,  
5 effected in the same manner as submission. A person whose nomination  
6 has been withdrawn may neither serve nor be reappointed to serve in  
7 an acting capacity for that position until the Legislature confirms a  
8 nominee to fill that position permanently."

9           **Section 9.** §2103h is hereby added to Title 4, Guam Code Annotated, to  
10 read:

11           **"§2103h. Deputy may become acting.** If upon the expiration of the  
12 maximum term for serving in an acting capacity, a nominee to an  
13 approved position has not been confirmed, any person appointed to a  
14 deputy position, if such exists, may assume the position in an acting  
15 capacity for the maximum term provided by this chapter, pending  
16 completion of the confirmation process."

17           **Section 10.** §4118 of Title 4, Guam Code Annotated, is hereby recodified  
18 and renumbered as §2103i of Title 4, Guam Code Annotated, and is hereby  
19 amended to read:

20           **"§2103i. Acting capacity.** No person who shall be appointed to a  
21 position which requires advice and consent of the Legislature may serve  
22 in an acting capacity as head of a department, agency or  
23 instrumentality for a period in excess of ninety (90) days plus three (3)  
24 legislative days during any twelve (12) month period pursuant to any  
25 authority whatsoever. Any employee so appointed shall have the right  
26 to return to the position the employee held immediately before the

1 appointment to serve in an acting capacity after the ninety (90) day plus  
2 three (3) legislative day period is exhausted. The time limitation of this  
3 section may not be circumvented by an interruption in the appointment  
4 to an acting capacity or by transfer back to the position the employee  
5 held immediately before the appointment for a period of less than thirty  
6 (30) days or by a temporary transfer to any other position."

7 **Section 11.** §2103j is hereby added to Title 4, Guam Code Annotated, to  
8 read:

9 "§2103j. **Convictions.** If any person whose name is submitted to  
10 the Legislature for confirmation is convicted of any felony,  
11 misdemeanor involving moral turpitude, or of any offense or violation  
12 involving narcotics while the nomination is pending, the nomination  
13 shall be considered automatically withdrawn upon such conviction. The  
14 appointing authority may, however, resubmit such nomination to the  
15 Legislature thereafter."

16 **Section 12.** §2103k is added to Title 4, Guam Code Annotated, to read:

17 "§2103k. **Retroactive pay.** No unclassified employee or officer of  
18 the government of Guam may receive a retroactive pay increase unless  
19 specifically authorized by statute."

20 **Section 13.** §2106 of Title 4, Guam Code Annotated, is hereby recodified  
21 and renumbered as §2103l of Title 4, Guam Code Annotated, and is amended  
22 to read:

23 "§2103l. **Duration of unclassified appointments and contracts.** All  
24 contracts for personal services for the government of Guam and all  
25 employment within the unclassified service of the government of  
26 Guam, including autonomous and semi-autonomous agencies, where

1 no specific term of appointment or employment is specified in law as to  
2 that particular and specific position, shall be at the pleasure of the  
3 appointing authority. No employment agreement, however described,  
4 shall provide for any other term, nor shall such agreement prohibit the  
5 appointing authority from exercising its discretion in terminating said  
6 employment agreement. Any terms in conflict with this Section in any  
7 employment agreement executed after the effective date of this Section  
8 shall be null and void from the beginning."

9 **Section 14.** §2107 of Title 4, Guam Code Annotated, is hereby recodified  
10 and renumbered as §2103m of Title 4, Guam Code Annotated, and is amended  
11 to read:

12 "§2103m. **Employment and employment contracts; when**  
13 **forbidden.** No contract of employment shall be entered into between  
14 the government of Guam and any employee or officer in the  
15 unclassified service within the government of Guam unless such  
16 employment contract is specifically permitted by law or is for a  
17 physician or dentist. Such employment shall be effected through the  
18 standard form of personnel action. This Section shall not affect the  
19 ability of the government to contract for temporary services or for  
20 specific contracts not involving an employment relationship with the  
21 Government, but shall apply to a contract which is essentially a contract  
22 for full-time personal services."

23 **Section 15. Repeal.** Because its provisions were declared contrary to  
24 the Organic Act in the case of **Guthertz & Miles vs. Torres**, Civ 85-0052 (D.C.  
25 Guam 1985), §2103.2 of Title 4, Guam Code Annotated, is hereby repealed.

1           **Section 16. Compilation of Act.** When the Compiler of Laws compiles  
2 this Act, he shall include a footnote within Chapter Two of Title 4 of the  
3 Guam Code Annotated which lists all positions within the government of  
4 Guam which require the advice and consent of the Legislature along with the  
5 term of office (which may be indefinite) and the citation to the section of law  
6 requiring confirmation. Such footnote shall be for information purposes only,  
7 and shall not have any force as law.

8           **Section 17. Effective date and transition provisions.** (a) Any  
9 permanent appointment or nomination for appointment which requires the  
10 advice and consent of the Legislature which has been delivered to the office of  
11 the Speaker of the Legislature prior to the effective date of this Act but which  
12 has not been confirmed nor confirmation denied as of the effective date of this  
13 Act may be considered by the Legislature notwithstanding the requirements of  
14 §2103b of Title 4, Guam Code Annotated. In such case, all time limits imposed  
15 by this Act shall start running as of the effective date of this Act.

16           (b) As to any person holding an acting position on the effective date of  
17 this Act, the time limits imposed by this Act shall start running as of the  
18 effective date of this Act.

19           **Section 18.** Paragraph (c) of §3109, Title 7, Guam Code Annotated, is  
20 hereby amended to read:

21           "(c) The Chief Justice and each Associate Justice of the Supreme  
22 Court shall be a United States citizen, a bona fide resident of Guam for  
23 at least five (5) years and shall have been in the active practice of law in  
24 Guam for a period of at least ten (10) years before said nomination. The  
25 Presiding Judge and each other Judge of the Superior Court shall be a  
26 United States citizen, a bona fide resident of Guam for at least five (5)



1 years and shall have been in the active practice of law in Guam for a  
2 period of at least seven (7) years before said nomination."

# TWENTY-SECOND GUAM LEGISLATURE

1994 (SECOND) Regular Session

Date: 3/14/94

## VOTING SHEET (AS REVISED)

Bill No. 414  
 Resolution No. \_\_\_\_\_  
 Question: \_\_\_\_\_

NAME	AYE	NO	NOT VOTING/ ABSTAINED	ABSENT/ OUT DURING ROLL CALL
ADA, Thomas C.	✓			
AGUON, John P.	✓			
ARRIOLA, Elizabeth P.	✓			
BAMBA, J. George		✓		
BLAZ, Anthony C. //	✓			
BORDALLO, Madeleine Z.	✓			
BROOKS, Doris F.			✓	
CAMACHO, Felix P. /	✓			
DIERKING, Herminia D.	✓			
GUTIERREZ, Carl T. C.	✓			
LUJAN, Pilar C.	✓			
MANIBUSAN, Marilyn D. A. /	✓			
NELSON, Ted S.	✓			
PANGELINAN, Vicente C.	✓			
PARKINSON, Don	✓			
REYES, Edward D.	✓			
SAN AGUSTIN, Joe T.	✓			
SANTOS, Francis E.	✓			
SHIMIZU, David L. G.	✓			
TANAKA, Thomas V. C.		✓		
UNPINGCO, Antonio R.	✓			

TOTAL

18   2   1   \_\_\_\_\_



# SENATOR TED S. NELSON

CHAIRMAN

Committee on General Governmental Operations and Micronesian Affairs  
Twenty-Second Guam Legislature

February 17, 1994

**VICE CHAIRPERSON:**

Committee on Housing  
and Community  
Developments

**MEMBER:**

Committee on Rules

Committee on Ways  
and Means

Committee on Water  
Utilities, Electronic  
Communications

Committee on Economic-  
Agricultural Development,  
and Insurance

Honorable Joe T. San Agustin  
Speaker  
22nd Guam Legislature  
155 Hessler Street  
Agana, Guam 96910

Dear Mr. Speaker:

The Committee on General Governmental Operations and Micronesian Affairs, to which was referred **Bill No. 414** (*An Act to reform the process of appointments and confirmation process and to restrict acting appointments and for other purposes*) has had the same consideration and now wishes to report back the same with the recommendation to report out only.

The Committee votes are as follows:

To do pass	3
Not to pass	-0-
To report out only	9
To place in inactive file	-0-
Other	-0-

A copy of the Committee Report and other pertinent documents are enclosed for your reference and information.

Sincerely,



TED S. NELSON

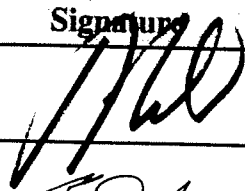

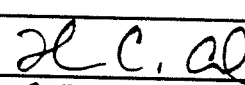

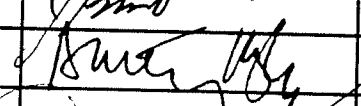
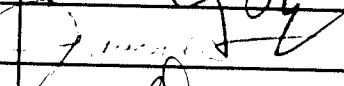
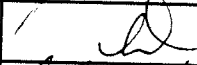
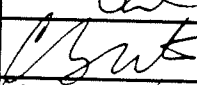
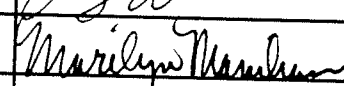
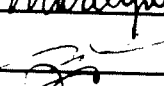
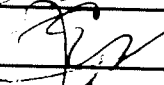

Enclosures

COMMITTEE ON GENERAL GOVERNMENTAL OPERATIONS  
AND MICRONESIAN AFFAIRS

VOTE SHEET ON BILL NO. 414

AN ACT TO REFORM THE PROCESS OF APPOINTMENTS AND  
CONFIRMATION PROCESS AND TO RESTRICT ACTING  
APPOINTMENTS AND FOR OTHER PURPOSES.

RECOMMENDATION TO REPORT OUT ONLY

Committee Members	Signature	To Do Pass	Not to Pass	To Report Out Only	To Place in the Inactive File
Senator Ted S. Nelson <i>Chairman</i>		✓			
Senator Edward D. Reyes <i>Vice-Chairman</i>		✓			
Speaker Joe T. San Agustin <i>Ex-Officio Member</i>					
Senator Thomas C. Ada				✓	
Senator J. George Bamba				✓	
Senator Anthony C. Blaz				✓	
Senator Felix P. Camacho				✓	
Senator Herminia D. Dierking		✓			
Senator Carl T.C. Gutierrez				✓	
Senator Marilyn D.A. Manibusan				✓	
Senator Vicente C. Pangelinan				✓	
Senator Francis E. Santos				✓	
Senator Thomas V.C. Tanaka				✓	

**COMMITTEE ON GENERAL GOVERNMENTAL OPERATIONS  
AND MICRONESIAN AFFAIRS  
TWENTY-SECOND GUAM LEGISLATURE  
155 Hessler Street, Agana, Guam 96910**

**COMMITTEE REPORT**

**ON**

**BILL NO. 414**

***AN ACT TO REFORM THE PROCESS OF APPOINTMENTS  
AND CONFIRMATION PROCESS AND TO RESTRICT ACTING  
APPOINTMENTS AND FOR OTHER PURPOSES.***

**COMMITTEE MEMBERS:**

Chairman: Ted S. Nelson  
Vice-Chairman: Edward D. Reyes  
Ex-Officio Member: Speaker Joe T. San Agustin

Thomas C. Ada  
Herminia D. Dierking  
Carl T.C. Gutierrez  
Vicente C. Pangelinan  
Francis E. Santos

J. George Bamba  
Anthony C. Blaz  
Felix P. Camacho  
Marilyn D.A. Manibusan  
Thomas V.C. Tanaka

## PUBLIC HEARING ON BILL NO. 414

### I. OVERVIEW

The Committee on General Governmental Operations and Micronesian Affairs conducted a public hearing on **Bill No. 414** (*An Act to reform the process of appointments and confirmation process and to restrict acting appointments and for other purposes*) on October 19, 1993 at the Public Hearing Room of the Guam Legislature Temporary Building, 155 Hessler Street, Agana, Guam.

Committee members present include: Senator Ted Nelson, Chairman; Senators Thomas Ada, J. George Bamba, Anthony Blaz, Ben Pangelinan, Tommy Tanaka and Felix Camacho.

### II. TESTIMONY

No testimony either for or against Bill No. 414 was given.

### III. FINDINGS AND RECOMMENDATIONS

The Committee on General Governmental Operations and Micronesian Affairs, after having a public hearing on **Bill No. 414** (*An Act to reform the process of appointments and confirmation process and to restrict acting appointments and for other purposes*), recommends that the 22nd Guam Legislature pass **Bill No. 414** as presented.

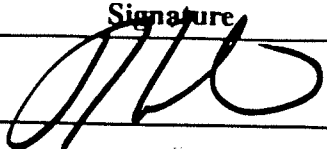
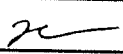
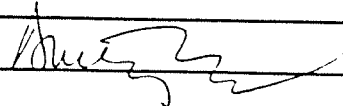
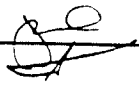
### IV. EXHIBITS

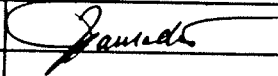
<b>Exhibit A</b>	Witness sign-in sheet
<b>Exhibit B</b>	Committee members sign-in sheet
<b>Exhibit C</b>	Bill No. 414 as introduced
<b>Exhibit D</b>	Public Hearing Agenda



**COMMITTEE ON GENERAL GOVERNMENTAL OPERATIONS  
 AND MICRONESIAN AFFAIRS**  
 Twenty-Second Guam Legislature  
**PUBLIC HEARING**  
 on Bill Nos. 46, 346, 385, 414, 421, 500 and 553  
 9:30 a.m., Tuesday, October 19, 1993  
 Public Hearing Room, Guam Legislature Temporary Bldg., Agana

**ATTENDANCE SHEET**

Committee Members	Present	Absent	Signature
Sen. Ted S. Nelson Chairman	✓		
Sen. Edward D. Reyes Vice-Chairman			
Speaker Joe T. San Agustin Ex-Officio Member			
Sen. Thomas C. Ada	✓		
Sen. J. George Bamba	✓		
Senator Anthony C. Blaz	✓		
Sen. Herminia D. Dierking			
Sen. Carl T.C. Gutierrez			
Sen. Marilyn D.A. Manibusan			
Sen. Ben C. Pangelinan	✓		
Sen. Thomas V.C. Tanaka	✓		

Other Senators	Present	Signature
Vice-Speaker John P. Aguon		
Sen. Elizabeth P. Arriola		
Sen. Madeleine Z. Bordallo		
Sen. Doris F. Brooks		
Sen. Felix P. Camacho	✓	
Sen. Pilar C. Lujan		
Sen. Don Parkinson		
Sen. Francisco R. Santos		
Sen. David L.G. Shimizu		
Sen. Antonio R. Unpingco		

**EXHIBIT "B"**



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TWENTY-SECOND GUAM LEGISLATURE  
1993 (FIRST) REGULAR SESSION

APR 15 AM 8:54

BILL NO. 414  
INTRODUCED BY:

D. PARKINSON  
*[Handwritten signatures]*

AN ACT TO REFORM THE PROCESS OF APPOINTMENTS AND  
CONFIRMATION PROCESS AND TO RESTRICT ACTING  
APPOINTMENTS AND FOR OTHER PURPOSES.

BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF GUAM

Section 1. Section 2103 of 4GCA is amended to read as  
follows:

"2103. Same: Where Consent of the Legislature  
Required. Whenever an appointment by the Governor  
requires the consent of the Legislature, the Governor  
shall submit such appointment to the Legislature within  
ten (10) days of making the appointment. [~~If the  
Legislature shall recess prior to such submission, then  
he shall submit such appointment to the next meeting of  
such Legislature within ten (10) days after the  
commencement thereof; or~~] If such Legislature has  
adjourned sine die, then the appointment shall be  
submitted to the first meeting of the next Legislature  
within ten (10) days after the commencement thereof.

Whenever the Legislature has adjourned sine die without  
having confirmed or rejected an appointment, such

*Exhibit 'c'*

APPOINTMENTS BILL

2

38 appointment shall thereupon automatically terminate.  
 39 Any appointment not submitted to the Legislature in  
 40 accordance with this Section shall automatically  
 41 terminate as of the end of the last day available for  
 42 submission. Any office to which appointment requires  
 43 legislative consent which becomes vacant shall remain  
 44 vacant until the Legislature consents to the  
 45 appointment. [~~Nothing in this Section shall preclude~~  
 46 ~~the Governor from making an interim [or recess]~~  
 47 ~~appointment when the Legislature is in recess but any~~  
 48 ~~such appointment shall automatically terminate upon the~~  
 49 ~~convening or reconvening of the Legislature in regular~~  
 50 ~~session and no recess or interim appointee may receive~~  
 51 ~~the salary of the office to which he is given interim~~  
 52 ~~or recess appointment until he is confirmed by the~~  
 53 ~~Legislature,~~] provided, however, that the confirmation  
 54 of an [recess or interim] Acting appointee [may] shall  
 55 automatically include approval of retroactive pay to  
 56 the date of his [recess or interim] acting appointment.  
 57 As to positions requiring legislative appointment, no  
 58 appointment or acting appointment to fill a position  
 59 which is vacant is effective until the appointment or  
 60 acting appointment is transmitted to the speaker of the  
 61 legislature.

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