

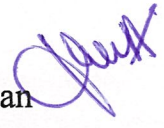
*I Mina'trentai Singko Na Liheslaturan Guåhan*  
**BILL STATUS**

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES	NOTES
189-35 (COR)	James C. Moylan	AN ACT TO ADD § 3133 TO CHAPTER 3, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO PROHIBITING THE FUNDING OF DEPUTY DIRECTORS TO DEPARTMENTS OF THE EXECUTIVE BRANCH OF GUAM.	8/5/19 1:55 p.m.						

***I MINA'TRENTAI SINGKO NA LIHESLATURAN GUÅHAN***  
**2019 (FIRST) Regular Session**

Bill No. ~~189~~<sup>189</sup>-35 (CoE)

Introduced by:

James C. Moylan 

**AN ACT TO ADD § 3133 TO CHAPTER 3, TITLE 5,  
GUAM CODE ANNOTATED, RELATIVE TO  
PROHIBITING THE FUNDING OF DEPUTY  
DIRECTORS TO DEPARTMENTS OF THE  
EXECUTIVE BRANCH OF GUAM.**

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

**Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds that in the efforts of identifying cost cutting measures, that the funding of the positions of Deputy Director shall be prohibited. The intent of the legislation does not exclude the Executive Branch, mainly the offices of the Governor and Lieutenant Governor, from utilizing the funds appropriated to their specific offices on funding a position of Deputy Director if they feel it to be crucial in their objectives of governance. The Transitional Committee of the present administration identified the elimination of deputy directors as one of their recommendations in their report as a means to assure cost savings, hence this legislation would mirror that intent.

This legislation would potentially impact 25 Departments which are identified as “line agencies” that pursuant to Article 1 of Chapter 3, Title 5, Guam Code Annotated, fall under the Executive Branch as “Departments of the

2019 AUG -5 PM 1:55 ✓

Government". The savings would allow the government to begin the process of a savings element.

While an opinion by the Office of the Attorney General in 2018 indicated that the Guam Legislature could not disallow the Governor of Guam from hiring a Deputy Director, as it could be deemed as inorganic towards the powers of the Governor, this legislation merely just prohibits the funding of the position from a respective department. It does not prevent the Governor from hiring of such a position, assuming that the funding is provided by the Governor's office budget.

**Section 2.** § 3133 is hereby *added* to Chapter 3, Title 5, Guam Code Annotated to read as follows:

**"§ 3133. Prohibiting the funding of the position of "Deputy Director".**

Notwithstanding any other provisions of the law, no funds from the budget appropriated to any of the Departments pursuant to Article 1 of this Chapter, in any fiscal year, shall be used to fund the position of an unclassified "Deputy Director", or any like or similar position associated with being an appointed manager of that Department. All departments pursuant to this Chapter shall establish an internal protocol on indentifying an "Acting Director", in the event they are off island, or unable to perform their duties for any other purposes. Nothing in this sub-section precludes the Executive Branch from hiring a "Deputy Director", provided that it is funded from the annual budgets appropriated to the Offices of the Governor and Lieutenant Governor."

**Section 3. Severability.** If any provision of this Act 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 Act that can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

**Section 4. Effective Date.** The Act *shall* become effective on October 1, 2019.