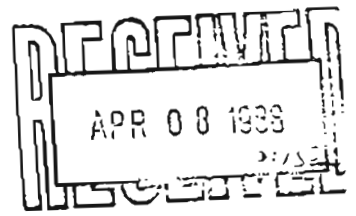


Territory of Guam
Territoriu' Guam

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



APR 08 1988

The Honorable Franklin J.A. Quiugua
Speaker, Nineteenth Guam Legislature
Post Office Box CB-1
Agana, Guam

Dear Mr. Speaker:

Transmitted herewith is Bill No. 24, which I have signed into law with modification as a result of an item veto.

In section 8, on page 3, lines 16 and 17, the sum of Seventy-One Thousand Two Hundred Twenty-Five Dollars (\$71,225) is changed to zero (-0-).

An appropriation for a run-off election, if needed, will in any event be unnecessary until fiscal year 1989. It can be funded at that time if necessary.

Sincerely,

JOSEPH F. ADA
Governor

196539

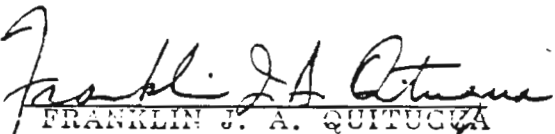
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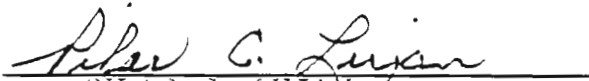
NINETEENTH GUAM LEGISLATURE
1988 (SECCND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

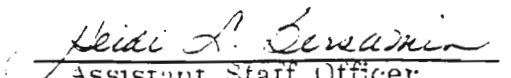
This is to certify that Substitute Bill No. 24 (COR), "AN ACT TO AMEND SECTION 7006 OF THE GOVERNMENT CODE RELATIVE TO REQUIRING THE ATTORNEY GENERAL TO DELIVER COPIES OF LEGAL OPINIONS TO THE LEGISLATURE AND PROVIDING FOR ONE HUNDRED DOLLAR (\$100) FINE FOR FAILURE TO MAKE SUCH DELIVERIES, AND FOR OTHER PURPOSES," was on the 24th day of March 1988, duly and regularly passed.


FRANKLIN J. A. QUITUCZA
Speaker


Attested:

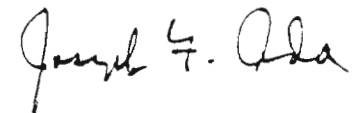

PILAR C. LUJAN
Senator and Legislative Secretary

This Act was received by the Governor this 29th day of March, 1988,
at 3:50 o'clock p.m.


Assistant Staff Officer
Governor's Office

APPROVED:


JOSEPH F. ADA
Governor of Guam

with the exception
noted in the accompanying
letter of transmittal.


Date: April 8, 1988

Public Law No. 19-15

NINETEENTH GUAM LEGISLATURE
1988 (SECOND) Regular Session

Bill No. 24 (CCR)

Introduced by:

J. T. San Agustin
E. P. Arriola
H. D. Lierking

P. C. Lujan
T. S. Nelson
P. C. Sanchez
F. R. Santos

AN ACT TO AMEND SECTION 7006 OF THE
GOVERNMENT CODE RELATIVE TO
REQUIRING THE ATTORNEY GENERAL TO
DELIVER COPIES OF LEGAL OPINIONS TO
THE LEGISLATURE AND PROVIDING FOR
ONE HUNDRED DOLLAR (\$100) FINE FOR
FAILURE TO MAKE SUCH DELIVERIES, AND
FOR OTHER PURPOSES.

1 BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF GUAM:
2 Section 1. Section 7006 of the Government Code, as amended pursuant
3 to Public Law 17-6, is further amended to read:

4 "Section 7006. Opinions. The Attorney General shall give, when
5 requested or required, and without fee, except as provided in Section
6 7001, his opinion in writing to public officers, and written instructions
7 to commissioners or others acting for the courts of Guam on all matters
8 relating to service of writs and process. The Attorney General shall
9 also, when requested, give, without fee, his opinion to the
10 Legislature, or members thereof, regarding matters relating to enacted
11 laws or the status of case law on a given subject. All legal memoranda
12 or opinions, except those prepared with regard to actual or pending
13 litigation, or which give opinions on matters which, in themselves are
14 not public, shall be public documents. The Attorney General shall
15 give each such legal memorandum or opinion to the Legislative
16 Secretary and the Compiler of Laws for publication as soon as
17 reasonably practicable but no later than seven (7) days subsequent to
18 the date of delivery of such memorandum or opinion to the person or

1 agency requesting such memorandum or opinion, and the Compiler of
2 Laws shall provide such memorandum or opinion to the public for
3 examination and copying if it is not yet published. A document shall
4 not be deemed an 'opinion' or 'memorandum' until such has been signed
5 by the Attorney General or persons authorized by him and delivered to
6 the person or agency requesting such 'opinion' or 'memorandum'. The
7 Attorney General shall be personally responsible for insuring that all
8 opinions and memoranda are delivered to the Legislative Secretary and
9 the Compiler of Laws pursuant to this Section and shall be subject to a
10 fine of One Hundred Dollars (\$100.00) for each opinion or memorandum
11 which is not delivered to both the Legislative Secretary and the
12 Compiler of Laws within the time period prescribed by this Section.
13 Government funds shall not be used to pay such fine."

14 Section 2. The Governor may transfer not to exceed Four Hundred
15 Thousand Dollars (\$400,000) to the Government Claims Fund from the
16 appropriation from the General Fund for the Executive Branch during Fiscal
17 Year 1988 (Chapters II through VII of Public Law 19-10).

18 Section 3. During Fiscal Year 1988, the Governor may transfer funds
19 appropriated from the General Fund to agencies and departments of the
20 Executive Branch by Public Law 19-10 subject to the following restrictions:

- 21 (a) Transfer of appropriations within agencies and departments
22 shall not exceed 10%;
- 23 (b) Transfer of appropriations between agencies and departments
24 shall not exceed 5%.

25 Section 4. The Director of the Bureau of Budget and Management
26 Research shall provide the Committee on Ways and Means a report within
27 thirty (30) days after the execution of each transfer, as authorized under
28 Section 3 of this Act. Such report shall include such basic information as
29 the amount of appropriation transferred and reasons for such transfer.

30 Section 5. The sum of Three Hundred Twenty Thousand Dollars
31 (\$320,000) is appropriated from the Tourist Attraction Fund to the Guam
32 Visitors Bureau for the purpose of hosting the 1988 Mother/Daughter
33 International Pageant on Guam. One Hundred Twenty Thousand Dollars

1 (\$120,000) herein shall be an advance appropriation of the Fiscal Year 1989
2 Budget of the Guam Visitors Bureau for its Worldwide Promotional
3 Activities.

4 Section 6. The sum of Five Hundred Thousand Dollars (\$500,000) is
5 appropriated from the General Fund to the Guam Housing and Urban
6 Renewal Authority for the sole purpose of accomplishing all necessary work
7 for the completion of those projects designated as GHURA 82, in the
8 municipalities of Dededo, Merizo, Agat and Talofofo. All funds not
9 expended for the sole purpose herein cited shall be returned to the General
10 Fund upon completion of the said projects.

11 Section 7. The Guam Housing and Urban Renewal Authority (GHURA)
12 is authorized to expend Three Hundred Thousand Dollars (\$300,000) from
13 the Payment In Lieu of Taxes (PILOT) Fund for the purpose of completing
14 GHURA 82 housing project located in four sites: Dededo, Merizo, Agat and
15 Talofofo.

16 Section 8. ⁸⁵ ~~The sum of Seventy-One Thousand Two Hundred~~
17 ~~Twenty-Five Dollars (\$71,225)~~ ^{ZERO} is appropriated from the General Fund to the
18 Guam Election Commission for the purpose of conducting a Run-Off Election
19 for the Office of Non-Voting Delegate to the House of Representatives.
20 Any unexpended balance of this appropriation shall automatically revert to
21 the General Fund upon the completion of the 1988 election.

22 Section 9. The sum of Six Hundred Seventeen Thousand Four
23 Hundred Eighty Dollars (\$617,480) is hereby appropriated from the General
24 Fund to the Legislative Operations Fund for rental, office expenses,
25 renovations, repairs, purchase of equipment and other legislative expenses.
26 The funds shall be allocated by the Committee on Rules.

27 Section 10. The sum of Three Hundred Eighty-Three Thousand
28 Dollars (\$383,000) is appropriated from the General Fund to the Guam
29 Legislature Committee on Ways and Means to accomplish the purposes set out
30 in Section 1400 of the Government Code of Guam and other related fiscal
31 monitoring activities.

1 Section 11. The sum of Forty-Five Thousand Five Hundred Dollars
2 (\$45,500) is appropriated from the General Fund to the Guam Election
3 Commission for the purpose of submitting an Initiative Measure to the voters
4 of Guam in the November 1988 Election relative to the full implementation of
5 the Option 1 Salary Reclassification. Any unexpended balance of this
6 appropriation shall automatically revert to the General Fund upon the
7 completion of the 1988 election.

8 Section 12. The sum of Fifty Thousand Dollars (\$50,000) is hereby
9 appropriated from the General Fund to the Guam Legal Services Corporation
10 to supplement any federal funds which may be received by the Corporation
11 during Fiscal Year 1988 for the purpose of assisting the elderly and the
12 poor.

13 Section 13. Lines 24 and 25 of Section E, Special Events Development
14 Fund, of Part XX of Public Law 19-10, are amended to read:

15 "4. Off-Roaders International	35,000*	35,000
16 5. Bicycle International Race	10,000*	10,000."

17 Section 14. Add a new Item 14 to Subsection (c), Filling of
18 Vacancies, of Section 3, Chapter XII, Administrative Provisions, of Public
19 Law 19-10, to read:

20 "(14) The Governor may fill any vacant Custom and Quarantine
21 Officer position of the Department of Commerce which was authorized
22 on the effective date of this Section."

23 Section 15. Add a new Item 15 to Subsection (c), Filling of
24 Vacancies, of Section 3, Chapter XII, Administrative Provisions, of Public
25 Law 19-10, to read:

26 "(15) The Governor may fill any vacant position in the
27 Commissioners' Offices which was authorized on the effective date of
28 this Act."

29 Section 16. Section 4 of Chapter X, Miscellaneous Appropriations, of
30 Public Law 19-10 is amended to read:

31 "Section 4. The sum of Eight Hundred Fifty Five Thousand
32 Dollars (\$855,000) is appropriated from the Tourist Attraction Fund to
33 the Community Development Fund under the Commissioners' Council, of

1 which the sum of Five Hundred Eighteen Thousand Three Hundred
2 Twenty Dollars (\$518,320) is for the payment of salaries of employees
3 hired by the Commissioners' Council pursuant to Section 15003.1 of
4 Government Code enacted in Section 17 of Chapter X of P.L. 18-15, of
5 which the sum of Three Hundred Thirty Six Thousand Six Hundred
6 Eighty Dollars (\$336,380) is for the purchase of equipment and
7 supplies necessary to perform minor repairs and maintenance pursuant
8 to Section 15009.5 of the Government Code enacted in Section 19 of
9 Chapter X of P.L. 18-15. Each village commissioner will be allocated
10 Twenty Seven Thousand Two Hundred Eighty Dollars (\$27,280) for the
11 hiring of two (2) maintenance workers and Seventeen Thousand Seven
12 Hundred Twenty Dollars (\$17,720) for the purchase of necessary
13 equipment and supplies. An unclassified maintenance worker in a
14 Commissioner's Office shall be paid Twelve Thousand Six Hundred
15 Ninety Dollars (\$12,690) per year effective October 1, 1987 and
16 Thirteen Thousand Seven Hundred Five Dollars (\$13,705) per year
17 effective October 1, 1987."

18 Section 17. Notwithstanding P.L. 18-40, Section 24, prohibiting
19 retroactive payment of salary increases, the Guam Environmental Protection
20 Agency is authorized to use the Forty-One Thousand Seven Hundred
21 Fifty-Four Dollars (\$41,754) appropriated under P.L. 19-5, Section 68 to
22 retroactively compensate present and former engineers of the Guam
23 Environmental Protection Agency at the pay ranges authorized by the Civil
24 Service Commission on November 15, 1985.

25 Section 18. Section 21 of P.L. 19-11 is amended to read:

26 "Section 21. Notwithstanding any other provision of law, the
27 Public Utility Agency of Guam is authorized to pay the retroactive
28 salary adjustments and/or reclassifications of their employees in the
29 Engineering Division as approved by the Civil Service Commission."

30 Section 19. The proposed schedule of fees for New Hospital Services
31 transmitted to the Legislature on March 1, 1988 is hereby disapproved and
32 shall have no force and effect.

33 Section 20. Section 55 of P.L. 19-5 is hereby repealed.

1 Section 21. A new Subsection (d) is added to 10 GCA §80105 to read:
2 "(d) The Authority shall not implement rates in the current fee
3 schedule, unless approved by the Legislature by statute."
4 Section 22. Section 50 (a) and (b) of Public Law 18-44 are hereby
5 repealed.

NINETEENTH GUAM LEGISLATURE

ROLL CALL SHEET

Bill No. 24

DATE: 3-24-88

Res. No. _____

QUESTION: _____

<u>SENATOR</u>	<u>AYE</u>	<u>NAY</u>	<u>NOT VOTING</u>	<u>ABSENT</u>
<u>E. P. Arriola</u>	✓			
<u>J. G. Bamba</u>	✓			
<u>M. Z. Bordallo</u>	✓			
<u>H. D. Dierking</u>	✓			
<u>E. R. Duenas</u>	✓			
<u>E. M. Espaldon</u>	✓			
<u>F. J. Gutierrez</u>	✓			
<u>M. K. Hartsock</u>	✓			
<u>A. C. Lamorena III</u>	✓			
<u>P. C. Lujan</u>				✓
<u>M. D. A. Manibusan</u> ✕	✓			
<u>J. G. Miles</u>	✓			
<u>T. S. Nelson</u>	✓			
<u>D. Parkinson</u>		✓		
<u>J. F. Quan</u>				✓
<u>F. J. Quitugua</u>	✓			
<u>J. M. Rivera</u>		✓		
<u>M. C. Ruth</u>	✓			
<u>J. T. San Agustin</u> +			✓	
<u>F. R. Santos</u>	✓			
<u>A. J. Shelton II</u>	✓			
	16	2	1	2



NINETEENTH GUAM LEGISLATURE

P. O. BOX CB-1
AGANA, GUAM 96910

Committee on Justice, Judiciary and Criminal Justice

April 9, 1987

The Honorable Franklin J. A. Quitugua
Speaker, Nineteenth Guam Legislature
P.O. Box CB-1
Agana, Guam 96910

VIA: Chairman, Committee on Rules

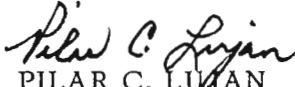
Dear Mr. Speaker:

The Committee on Justice, Judiciary and Criminal Justice, to which was referred **Bill No. 24**, wishes to report its findings and recommendations for approval.

The Committee voting record is as follows:

TO PASS:	<u>7</u>
NOT TO PASS:	<u>2</u>
TO REPORT OUT ONLY:	<u>2</u>
TO PLACE IN INACTIVE FILE:	<u>0</u>

A copy of the Committee Report and all pertinent documents are attached for your information.


PILAR C. LUJAN
Committee Chairman

Attachment



NINETEENTH GUAM LEGISLATURE

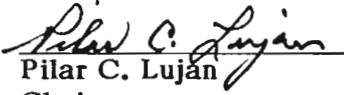
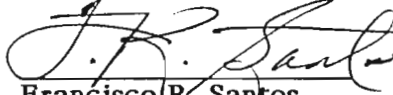


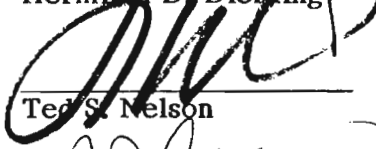
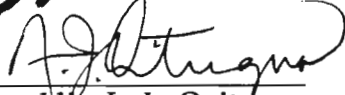
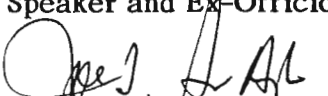
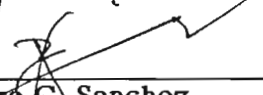
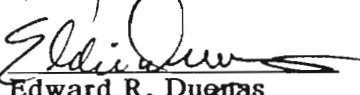
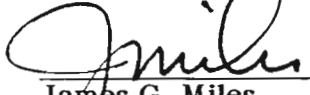
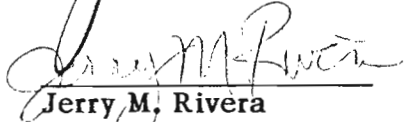
P. O. BOX CB-1
AGANA, GUAM 96910

Committee on Justice, Judiciary and Criminal Justice

VOTING SHEET

On the Passage of Bill No. 24

AN ACT TO AMEND SECTION 7006 OF THE GOVERNMENT CODE RELATIVE TO REQUIRING THE ATTORNEY GENERAL TO DELIVER COPIES OF LEGAL OPINIONS TO THE LEGISLATURE AND PROVIDING FOR A ONE HUNDRED (\$100.00) FINE FOR FAILURE TO MAKE SUCH DELIVERIES.

<u>SENATOR AND COMMITTEE MEMBER</u>	<u>TO PASS</u>	<u>NOT TO PASS</u>	<u>TO REPORT OUT ONLY</u>	<u>TO PLACE IN INACTIVE FILE</u>
 Pilar C. Lujan Chairman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Francisco R. Santos Vice Chairman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Elizabeth P. Arriola	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Herminia D. Dierking	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Ted S. Nelson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Franklin J. A. Quitugua Speaker and Ex-Officio	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Joe T. San Agustin	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Pedro C. Sanchez	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
 Edward R. Dumas	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 James G. Miles	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Jerry M. Rivera	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

COMMITTEE ON JUSTICE, JUDICIARY AND CRIMINAL JUSTICE

COMMITTEE REPORT
ON

BILL NO. 24 - AN ACT TO AMEND SECTION 7006 OF THE GOVERNMENT CODE RELATIVE TO REQUIRING THE ATTORNEY GENERAL TO DELIVER COPIES OF LEGAL OPINIONS TO THE LEGISLATURE AND PROVIDING FOR A ONE HUNDRED (\$100.00) FINE FOR FAILURE TO MAKE SUCH DELIVERIES.

PREFACE

The Public Hearing on **Bill 24** was heard by the Committee on Justice, Judiciary and Criminal Justice and convened on **Friday, March 6, 1987, in the Legislative Session Hall.**

The hearing was called to order by Chairman, Senator Pilar C. Lujan. Also present were Vice Chairman, Senator Francisco R. Santos, and Committee Members: Senators Ted S. Nelson, Joe T. San Agustin, Edward R. Duenas, and Jerry M. Rivera. Also joining the committee during this hearing was non-member, Senator George M. Bamba.

Written testimony was submitted by Senator Joe T. San Agustin and Attorney Charles Troutman, Acting Attorney General. No oral testimony was presented.

PURPOSE

The intent of **Bill 24** is to provide for the delivery of and access to opinions by the Attorney General to the Guam Legislature, and for compiling by the Compiler of Laws. It also ensures the Legislature to obtain opinions from the Attorney General, and provides for a fine should opinions not be forwarded.

WRITTEN TESTIMONIES

Written Testimony was submitted by the Author of **Bill 24** in which he gave a brief history and reason for introduction of this proposed legislation. Written testimony was also submitted by the Acting Attorney General in which he gave his reasons for opposition to the bill. (See Attachments.)

ATTACHMENTS

- (1) Conclusions and Recommendations by Committee;
 - (2) **Bill 24** as introduced;
 - (3) Written Testimony submitted by Senator Joe T. San Agustin, primary sponsor of **Bill 24**;
 - (4) Written Testimony submitted by Attorney Charles Troutman, Acting Attorney General; and the
 - (5) Committee's Voting Record.
-

CONCLUSIONS AND RECOMMENDATIONS

In the survey and assessment of Bill 24, the Committee on Justice, Judiciary and Criminal Justice concludes the following:

- (1) RESPECTFUL of the separation of powers between the branches of government; and, further,
- (2) AWARE of the Attorney General's Office duty to send out "informational memoranda" and or legal opinions which may not be for public consumption (e.g. personnel actions); and, further,
- (3) RECOGNIZING that the Attorney General's Office had once delivered opinions to the Legislative Secretary as required by Public Law 17-6 but ceased practice of doing so due to great replication costs; and, further,
- (4) COMMENDING the Acting Attorney General for ordering a resumption of delivery of opinions to the Legislative Secretary as they are issued, and, further,
- (5) KNOWING that the issuance of one copy to the Legislature is but a routine, administrative task which can be performed by any support staff personnel; hereby renders its decision.

THE COMMITTEE BASED ON THE AFOREMENTIONED FINDING AND CONCLUSIONS, RECOMMENDS THAT:

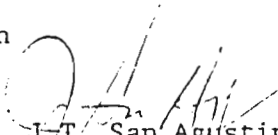
- (1) The Attorney General of Guam deliver a copy of issued legal opinions to the Legislature.
 - (2) A fine of one-hundred dollars (\$100.00) be levied for non-compliance.
 - (3) Dialogue between the Attorney General's Office and the Legislature be enhanced, in order that sound legislation for the People of Guam be properly created and implemented.
-

Introduced

JAN 15 '87

NINETEENTH GUAM LEGISLATURE
1987 (FIRST) Regular Session

Bill No. 24 (COR)

Introduced by:  J.T. San Agustin
E.P. Arriola
H.D. Dierking
P.C. Lujan
T.S. Nelson
P.C. Sanchez
F.R. Santos

AN ACT TO AMEND SECTION 7006 OF THE GOVERNMENT CODE
RELATIVE TO REQUIRING THE ATTORNEY GENERAL TO
DELIVER COPIES OF LEGAL OPINIONS TO THE LEGISLATURE
AND PROVIDING FOR A ONE HUNDRED DOLLAR (\$100.00) FINE
FOR FAILURE TO MAKE SUCH DELIVERIES.

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

Section 1. Section 7006 of the Government Code, as amended pursuant to Public Law 17-6, is further amended to read:

"Subsection 7006. Opinions. The Attorney General shall give, when requested or required, and without fee, except as provided in Subsection 7001, his opinion in writing to public offices, and written instructions to commissioners or others acting for the courts of Guam on all matters relating to service of writs and process. The Attorney General shall also, when requested, give, without fee, his opinion to the Legislature, or members thereof, regarding matters relating to enacted law or the status of case law on a given subject. All legal memoranda or opinions, except those prepared with regard to actual or pending litigation, or which give opinions on matters which, in themselves, are not public, shall be public documents. The Attorney General shall give each such legal memorandum or

opinion[s] to the Legislative Secretary and the Compiler of Laws for publication as soon as reasonably practicable but no later than seven (7) days subsequent to the date of delivery of such memorandum or opinion to the person or agency requesting such memorandum or opinion, and the Compiler of Laws shall provide such memorandum or opinion[s] to the public for examination and copying if [there are] it is not yet published. A document shall not be deemed an 'opinion' or 'memorandum' until such has been signed by the Attorney General or persons authorized by him and delivered to the person or agency requesting such 'opinion' or 'memorandum'. The Attorney General shall be personally responsible for insuring that all opinions and memoranda are delivered to the Legislative Secretary and the Compiler of Laws pursuant to this Section and shall be subject to a fine of One Hundred Dollars (\$100.00) for each opinion or memorandum which is not delivered to both the Legislative Secretary and the Compiler of Laws within the time period prescribed by this Section. Government funds shall not be used to pay any such fine."



Nineteenth Guam Legislature

P.O. Box CB-1
Agana, Guam U.S.A. 96910

March 6, 1987

Senator Pilar C. Lujan,
Chairperson
Committee on Justice,
Judiciary, and Criminal Justice
P.O. Box CB-1
Agana, Guam 96910

Dear Senator Lujan,

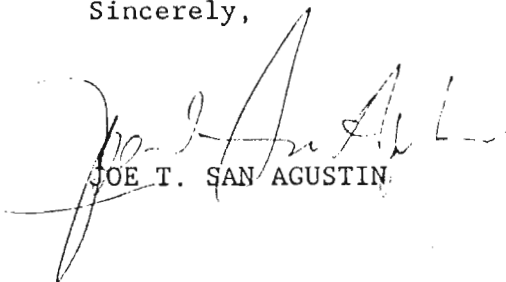
I am writing to you concerning Bill No. 24, "AN ACT TO AMEND SECTION 7006 OF THE GOVERNMENT CODE RELATIVE TO REQUIRING THE ATTORNEY GENERAL TO DELIVER COPIES OF LEGAL OPINIONS TO THE LEGISLATURE AND PROVIDING FOR A ONE HUNDRED DOLLAR (\$100.00) FINE FOR FAILURE TO MAKE SUCH DELIVERIES." The bill was originally introduced as Bill No. 764 in the Eighteenth Guam Legislature but no action was taken on it.

Bill No. 24 amends the current law to require the Attorney General to deliver, within 7 days, copies of legal opinions that may be requested by the Legislature. The measure further provides for penalties for failure to comply with this law.

I am sure the Committee is aware of difficulties with past Attorney Generals in obtaining copies of legal opinions. Access to these opinions by both the Legislature and Public is of critical importance. This is particularly true as these opinions practically have the force of law.

In order to avoid difficulties in obtaining timely access to such opinions, I believe enactment of this reform is necessary. I therefore strongly urge your Committee's support for this measure.

Sincerely,


JOE T. SAN AGUSTIN

Rec'd
3/5/87
2:10 pm
12-226



OFFICE OF THE ATTORNEY GENERAL

March 6, 1987

1000 G. F. Jones St.
P.O. Box 1000
Agana, Guam 96910
(671) 472-6041
(671) 472-2493
(671) 497-5352

H. TROUTMAN
Attorney General

The Honorable Pilar C. Lujan
Chairperson, Committee on Justice,
Judiciary and Criminal Justice
Nineteenth Guam Legislature
Post Office Box CB-1
Agana, Guam 96910

Dear Senator Lujan:

I am appearing today to testify regarding all of the bills scheduled for public hearing. My testimony is on behalf of the administration.

Bill No. 21 - An Elected Attorney General

I am enclosing a copy of the first three pages of my testimony on the Eighteenth Legislature's Bill 1021, which provided for the separation of Attorney General and the Public Prosecutor. The importance for this now is not Bill 1021, but the analysis of the new Organic Act amendments provided in that testimony.

The case of *People v. Perez* specifically held that the Legislature could not limit the Governor in his ability to remove the Attorney General. Further, the amendments to the Organic Act specifically mention "Public Prosecutor", despite strenuous testimony and objections by myself and former Attorney General Richard Oppen. We urged that Congress, if it were to provide an office more independent of the Governor than existing law provided, include both prosecution and Attorney General functions in one office. Congress chose not to do so. Therefore, I conclude that the Office of the Attorney General was specifically not a part of the 1986 Organic Act amendments and, therefore, that the Legislature cannot remove the Governor's control over the Office of the Attorney General.

Therefore, regardless of the conceptual merits of an elected Attorney General, I conclude that this bill is inorganic and cannot be made organic save by another amendment of the Organic Act.

In addition to the Organic Act problems with Bill No. 21, the qualifications of the position are inappropriate. If a position were to be elected, most of the qualifications should be left to the voters to decide. Further, the qualifications are so strict that no Attorney General appointed since 1970 would qualify, at the time of appointment, if the qualifications of this bill were in place then.

Bill No. 24 - Legal Opinions to the Legislature

In 1986, we received over 1600 requests for some form of civil action by the office. A small number of these were civil litigation, the remainder being requests for opinions, for assistance, contract review and for other matters. Much of the paper which we send out in the form of "memoranda" is designated as "informational" simply because it is not an opinion, but is either advice to the agency as their lawyers or is routine correspondence such as requesting more information, or returning a contract for various defects.

Lujan
4:15
3/6/87

To make such memoranda immediately public to the Legislature would be to destroy the attorney-client relationship we have with those whom we represent. The Governor would be reluctant to receive such memoranda from the Attorney General, because by doing so, he would publicly expose policy discussions before decisions had been made. Likewise, when we advise agencies on personnel actions, we do not wish to make public these memoranda.

Indeed, during the discussion of Public Law 17-6, all of these arguments were pointed out and the Legislature deleted reference to "memoranda" simply because the memoranda are not public documents and should not be released.

Upon receiving this bill, I checked to see if we were delivering opinions to the Legislative Secretary as provided in existing law. I found out that former Attorney General Opper commenced this practice, as required by Public Law 17-6, but later stopped it because the cost of duplicating all of the opinions was too great. No Senator has informed me that opinions were not being delivered, so I was unaware of this past order of former Attorney General Opper. I have directed our staff to send all opinions, back to January 1987, to the Legislative Secretary as they are issued.

A more practical, and less costly, way of informing the Legislature of our opinions would be to provide the Legislative Secretary with our **Opinion Digest** as we produce it, which is about monthly. This gives all of our opinions arranged by subject. If anyone wants to see a particular opinion, then all he or she need do is call to obtain that particular copy. The Legislative Secretary already has a copy of our first digest.

Indeed, it has been my hope, that we could publish the Attorney General's Opinions. In this way, our opinions would be readily accessible to those who need them for research and information. However, we have not been given the money nor the staff support to enable this to happen. If the Legislature were to give us the appropriate support and money for publication, then it would receive our opinions as they were published but not memoranda for the reasons stated above. Therefore, I urge that this bill not pass in this or any other form. Present law is satisfactory.

Another reason for opposing this bill is that it violates the concept of separation of powers. The Legislature is not the direct appointing officer, nor does it directly supervise the Attorney General as if he or she were the branch of the Legislature. To require that all output of the Attorney General's Office be transmitted to the Legislature transforms the Attorney General into a Legislative Officer. A law office within the American concept of three branches of government simply cannot exist in this fashion. This bill is inorganic.

Bill No. 48 - Prostitution

The Administration has no objection to the passage of Bill No. 48. Its effect would be to make solicitation of prostitution a crime wherever it occurs, not just in public places. The reason for existing wording arose in debates within the Law Revision Commission in the years 1975-1976. Only public sexual activities are regulated. Private sexual activities, even "deviant" ones, are not prohibited if the parties consent. Hence this section prohibits only public solicitation of prostitution.

Since that time, and even then, there were some on the Commission who believed that prostitution and solicitation of it should be prohibited no matter where it took place. The section as written, for instance, prohibits prostitutes on the street, but arguably does not prohibit it in massage parlors and certainly does not prohibit it in the form of call girls who solicit, or who can be found, through hotel switchboards.

Bill No. 61 - Punishment for Criminal Sexual Conduct

The Administration will look into possible abuses of current law on work release, but this law is too severe and too limited. This section would provide that, for offenders convicted of criminal sexual conduct, their prison terms may not be suspended, nor may they be released in any manner prior to the end of the term. Since it is certain that these offenders will be released, as none of the sentences for criminal sexual conduct are for life imprisonment without parole, it is folly to keep these persons locked up until the day of their release. Perhaps more serious terms of parole or work release could be imposed. However, to deny all forms of probation, parole, or work release, not only does not help the prisoners, but it harms families who depend upon the prisoners for support. We have prosecuted such cases where the offender works, but cannot contact the victims. Also, denial of probation is not warranted in every case.

Therefore the Administration opposes this bill, and suggests that the Legislature work with us to create positive programs for offenders in these cases, with the aim that they be assisted in ceasing their behavior. Prison has not proven effective.

Bill No. 199 - Consecutive Sentences

This bill corrects a flaw in existing law. The sentencing philosophy behind Chapter 80, as originally passed, was to give maximum flexibility to the courts and the prison system in determining the total time a person is in prison. That philosophy has been changed since then, as the Legislature has seen fit to modify the philosophy by prescribing definite sentences. One law that has not been amended is this Section 80.10(b), whose philosophy it is that the person be sentenced for one term of imprisonment for a given series of criminal acts regardless of the number of actual criminal charges which were generated by those acts. In other words, if an episode of robbery were to generate five or six separate crimes charged, this section as now written would provide for concurrent sentences for all of the criminal charges surrounding this one criminal episode. In practice, there have been problems in that prosecutors often join more than one criminal episode in one indictment. Under this section, concurrent sentences are required even if the criminal episodes are separate. If the prosecutor wishes to urge consecutive sentences, he may file separate indictments. However, this involves additional work by the courts, prosecutors, and grand juries to achieve an end that could better be served by amendment as provided in Bill 199.

Sections 80.30, 80.40, and 80.42 deal with means by which sentences may be enhanced after conviction. Essentially what Bill 199 is saying is that sentences may be consecutive or concurrent, but if consecutive, then the sentences may not be enhanced under the provisions of law just mentioned.

Because this section, as now law, is unduly burdensome for the government, has caused a number of appeals (even though the government has won), the Administration endorses this bill because it would give the courts needed flexibility towards more severe sentences when the case calls for it.

Charles H. Troutman
CHARLES H. TROUTMAN
Attorney General (Acting)

CHT:slc

Enclosures

A.J. SONNY SHELTON
SENATOR
CHAIRMAN, COMMITTEE ON RULES



19TH GUAM LEGISLATURE

P.O. BOX CB-1 AGANA, GUAM 96910 TELEPHONE: (671) 472-3408, 472-3408

Vice-Chairman
COMMITTEE ON ENERGY, UTILITIES
AND CONSUMER PROTECTION
Member
COMMITTEE ON EDUCATION
COMMITTEE ON TOURISM,
TRANSPORTATION AND COMMUNICATION
COMMITTEE ON ECONOMIC
DEVELOPMENT AND BANKING
COMMITTEE ON FEDERAL, FOREIGN
AND LEGAL AFFAIRS

March 23, 1988

The Honorable Franklin J.A. Quitugua
Speaker
Nineteenth Guam Legislature
P.O. Box CB-1
Agana, Guam 96910

Dear Mr. Speaker:

The Committee on Rules at its Rules Meeting on Wednesday, March 23, 1988, approved the placement of Bill No. 24, second item on the Second Reading File; and hereby transmits to the full Legislature Bill No. 24, as Passed by the Committee on Justice, Judiciary & Criminal Justice and Substituted by the Committee on Rules.

The Committee voting record for passage of Substitute Bill No. 24 is as follows:

TO DO PASS	<u>5</u>
NOT TO PASS	<u>1</u>
TO REPORT OUT ONLY	<u>10</u>
TO PLACE IN THE INACTIVE FILE	<u>0</u>

A copy of the report and all other pertinent documents are attached for your information.

A handwritten signature in black ink, appearing to read 'A. J. Sonny Shelton', with a long horizontal line extending to the right.

A. J. SONNY SHELTON
Chairman

Attachments

COMMITTEE ON RULES
VOTING SHEET ON BILL NO. 24 AS PASSED BY THE COMMITTEE ON JUSTICE, JUDICIARY
& CRIMINAL JUSTICE AND SUBSTITUTED BY THE COMMITTEE ON RULES.

	<u>TO PASS</u>	<u>NOT TO PASS</u>	<u>TO REPORT OUT ONLY</u>	<u>TO PLACE IN INACTIVE FILE</u>
<i>[Signature]</i> A. J. SONNY SHELTON Chairman			✓	
<i>[Signature]</i> MARCIA K. HARTSOCK Vice Chairperson			✓	
<i>[Signature]</i> FRANKLIN J.A. QUITUGUA Speaker	✓			
<i>[Signature]</i> ELIZABETH P. ARRIOLA Member			✓	
<i>[Signature]</i> MADELEINE Z. BORDALLO Member			✓	
<i>[Signature]</i> HERMINIA D. DIERKING Member	✓			
<i>[Signature]</i> FRANKLIN J. GUTIERREZ Member	✓			
<i>[Signature]</i> PILAR C. LUJAN Member			✓	
<i>[Signature]</i> TED S. NELSON Member	✓			
<i>[Signature]</i> DON PARKINSON Member		✓		
<i>[Signature]</i> JOHN F. QUAN Member			✓	
<i>[Signature]</i> JOE T. SAN AGUSTIN Member			✓	
<i>[Signature]</i> FRANCISCO R. SANTOS Member	✓			
<i>[Signature]</i> ALBERTO C. LAMORENA, III Member			✗	
<i>[Signature]</i> J. GEORGE BAMBA Member			✓	
<i>[Signature]</i> JERRY M. RIVERA Member			✓	

REPORT OF THE COMMITTEE ON RULES

Substitute Bill No. 24

The Committee on Rules met at 11:00 a.m. on Wednesday, March 23, 1988 at which meeting Bill No. 24, requiring the Attorney General to deliver legal opinions to the Legislature and providing a fine for failure to do so was recommended for passage. In the course of discussing the same, it was amended by the addition of the following riders:

1. Substitute Bill 753 as reported out by the Committee on Ways and Means authorizing the Governor to transfer funds to the Government claims Fund and for other purposes was added to Bill No. 24, becoming Sections 2 through 21 thereof.

2. A new Section 22 was added to the bill, the effect of which is to repeal subsections (a) and (b) of Section 50 of P.L. 44, 18th Guam Legislature. These subsections relate to the Power Pool Agreement and prohibit preferential rates for power being given to the Navy.

Bill No. 24 itself, which was referred to the Committee on Justice, Judiciary & Criminal Justice, provides for the delivery of opinions by the Attorney General to the Guam Legislature. Basically, the bill amends an existing section of the Government Code respecting the opinions of the Attorney General by giving him or her a time certain within which to deliver copies of such memoranda or opinions to the Legislature and imposes a fine on the Attorney General personally for each opinion or memoranda which is not delivered in the time prescribed. A comprehensive report on the bill has been prepared by the standing committee hearing the same, reference to which report is hereby made.

The addition of the provisions of Bill No. 753 to the substitute bill under discussion consists of taking all 20 sections of Bill No. 753 and adding them without further amendment or modification to Bill No. 24.

A section-by-section analysis of Bill No. 24 as substituted by the Committee on Rules follows:

Section 1 consists of the proposed amendment to Section 7006 of the Government Code with respect to Attorney General's opinions and is more than adequately analyzed in the accompanying committee report.

Section 2 authorizes the Governor to transfer up to Four Hundred Thousand Dollars (\$400,000) to the Government Claims Fund, the monies to come from the appropriations for the Executive Branch for FY88.

Section 3 authorizes the transfers of appropriated fund within agencies and departments of the Executive Branch but not to exceed ten percent (10%) for transfers within agencies and not to exceed five percent (5%) for transfers between agencies.

Section 4 requires the Bureau of Budget and Management Research to provide the Committee on Ways and Means a report on each transfer made under the authority of Section 3.

Section 5 appropriates Three Hundred and Twenty Thousand Dollars (\$320,000) from the Tourist Attraction Fund to the Guam Visitors Bureau to host the Mother-Daughter International Pageant and to underwrite the 1989 worldwide promotional activities of the Guam Visitors Bureau.

Section 6 appropriates Five Hundred Thousand Dollars (\$500,000) to the Guam Housing and Urban Renewal Authority to complete the GHURA 82 projects for Dededo, Merizo, Agat and Talofofo.

Under Section 7, GHURA is authorized to expend Three Hundred Thousand Dollars (\$300,000) from payments in lieu of taxes to complete the GHURA 82 projects in the four sites, Dededo, Merizo, Agat and Talofofo.

Section 8 appropriates Seventy-one Thousand Two Hundred and Twenty-five Dollars (\$71,225) to the Guam Election Commission to pay for a possible run-off election for the Office of Delegate to Congress.

Section 9 appropriates Six Hundred Seventeen Thousand Four Hundred Eighty Dollars (\$617,480) to the Legislature for office expenses and the like.

Section 10 appropriates Three Hundred Eighty-three Thousand Dollars (\$383,000) to the Legislature for fiscal monitoring purposes.

Section 11 appropriates Forty-five Thousand Five Hundred Dollars (\$45,500) to Election Commission for the cost of an initiative measure on the implementation of the Option 1 Salary Reclassification.

Section 12 appropriates Fifty Thousand Dollars (\$50,000) to the Guam Legal Services Corporation to supplement Federal funds to assist the elderly and the poor.

Section 13 increases the appropriation for the Off-roaders International Event taking \$10,000 from the Bicycle International Race.

Section 14 authorizes the Governor to fill vacant Custom and Quarantine Officer positions.

Section 15 authorizes the Governor to fill vacant positions in the Commissioners' offices.

Section 16 amends a section appropriating funds for the Commissioners' Council and Community Development Fund by requiring that the maintenance workers in the Commissioners' Offices be paid \$12,690 per year for the period beginning October 1, 1987 and \$13,705 per year effective October 1, 1988.

Section 17 authorizes the Guam Environmental Protection Agency to utilize \$41,754 to retroactively compensate engineers at pay ranges authorized by the Civil Service Commission.

Section 18 authorizes the Public Utility Agency of Guam to pay retroactive salary adjustments and reclassifications in the engineering division, as authorized by the Civil Service Commission.

Section 19 disapproves the schedule of fees for hospital services transmitted to the Legislature by the Guam Memorial Hospital Authority on March 1, 1988.

Section 20 repeals Section 55 of Public Law 5, 19th Guam Legislature. Section 55 itself authorizes the Guam Memorial Hospital Authority to set fees or charges for new services under a fee schedule filed with the Legislative Secretary in accordance with the Administrative Adjudication Law.

Section 21 amends the code section governing rates at the Guam Memorial Hospital by not permitting them to be imposed or increased without approval by statute.

The last section of the substitute bill, Section 22, is to amend subparagraphs (a) and (b) of Section 50 of Public Law 44 of the 18th Guam Legislature. these two subsections are those that have been cited by the Department of the Interior as

constituting a default under the note between the Guam Power Authority and the Federal Financing Bank. The subsections, as written, prevent the Navy from continuing to obtain preferential rates after the termination of the Power Pool Agreement and allegedly constitute a default because they presumably interfere with the rate-making and approval powers of the Public Utility Commission.

With the floor amendment by Senator Santos, which has been incorporated in Substitute Bill No. 24 is a detailed analysis of the proposed repeal, to which your attention is respectfully directed.

NINETEENTH GUAM LEGISLATURE
1988 (SECOND) Regular Session

Bill No. 24 (COR)
As Substituted by the
Committee on Rules

Introduced by:

J. T. San Agustin
E. P. Arriola
H. D. Dierking

P. C. Lujan
T. S. Nelson
P. C. Sanchez
F. R. Santos

AN ACT TO AMEND SECTION 7006 OF THE GOVERNMENT CODE
RELATIVE TO REQUIRING THE ATTORNEY GENERAL TO DELIVER
COPIES OF LEGAL OPINIONS TO THE LEGISLATURE AND PROVIDING
FOR ONE HUNDRED DOLLAR (\$100) FINE FOR FAILURE TO
MAKE SUCH DELIVERIES, AND FOR OTHER PURPOSES.

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

2 Section 1. Section 7006 of the Government Code, as amended pursuant to
3 Public Law 17-6, is further amended to read:

4 "Section 7006. Opinions. The Attorney General shall give, when
5 requested or required, and without fee, except as provided in Section
6 7001, his opinion in writing to public officers, and written instructions
7 to commissioners or others acting for the courts of Guam on all matters
8 relating to service of writs and process. The Attorney General shall
9 also, when requested, give, without fee, his opinion to the Legislature,
10 or members thereof, regarding matters relating to enacted laws or the status
11 of case law on a given subject. All legal memoranda or opinions, except
12 those prepared with regard to actual or pending litigation, or which give
13 opinions on matters which, in themselves are not public, shall
14 be public documents. The Attorney General shall give

1 each such legal memorandum or opinion[s] to the Legislative Secretary
2 and the Compiler of Laws for publication as soon as reasonably practicable
3 but no later than seven (7) days subsequent to the date of delivery of
4 such memorandum or opinion to the person or agency requesting such
5 memorandum or opinion, and the Compiler of Laws shall provide such
6 memorandum or opinion[s] to the public for examination and copying if
7 [thereare] it is not yet published. A document shall not be deemed an
8 'opinion' or 'memorandum' until such has been signed by the Attorney
9 General or persons authorized by him and delivered to the person or
10 agency requesting such 'opinion' or 'memorandum'. The Attorney General
11 shall be personally responsible for insuring that all opinions and
12 memoranda are delivered to the Legislative Secretary and the Compiler of
13 Laws pursuant to this Section and shall be subject to a fine of One
14 Hundred Dollars (\$100.00) for each opinion or memorandum which is not
15 delivered to both the Legislative Secretary and the Compiler of Laws within
16 the time period prescribed by this Section. Government funds shall not
17 be used to pay such fine."

18 Section 2. The Governor may transfer not to exceed Four Hundred Thousand
19 Dollars (\$400,000) to the Government Claims Fund from the appropriation from the
20 General Fund for the Executive Branch during Fiscal Year 1988 (Chapters II
21 through VII of Public Law 19-10).

22 Section 3. During Fiscal Year 1988, the Governor may transfer funds appro-
23 priated from the General Fund to agencies and departments of the Executive Branch
24 by Public Law 19-10 subject to the following restrictions:

- 25 (a) Transfer of appropriations within agencies and departments
26 shall not exceed 10%;

1 (b) Transfer of appropriations between agencies and
2 departments shall not exceed 5%.

3 Section 4. The Director of the Bureau of Budget and Management Research
4 shall provide the Committee on Ways and Means a report within thirty (30) days
5 after the execution of each transfer, as authorized under Section 3 of this
6 Act. Such report shall include such basic informations as the amount of
7 appropriation transferred and reasons for such transfer.

8 Section 5. The sum of Three Hundred and Twenty Thousand Dollars (\$320,000)
9 is appropriated from the Tourist Attraction Fund to the Guam Visitors Bureau
10 for the purpose of hosting the 1988 Mother/Daughter International Pageant on
11 Guam. One Hundred Twenty Thousand Dollars (\$120,000) of the amount appropriated
12 herein shall be an advance appropriation of the Fiscal Year 1989 Budget of the
13 Guam Visitors Bureau for its Worldwide Promotional Activities.

14 Section 6. The sum of Five Hundred Thousand Dollars (\$500,000) is
15 appropriated from the General Fund to the Guam Housing and Urban Renewal
16 Authority for the sole purpose of accomplishing all necessary work for the
17 completion of those projects designated as GHURA 82, in the municipalities
18 of Dededo, Merizo, Agat and Talofofo. All funds not expended for the sole
19 purpose herein cited shall be returned to the General Fund upon completion
20 of the said projects.

21 Section 7. The Guam Housing and Urban Renewal Authority (GHURA) is
22 authorized to expend Three Hundred Thousand Dollars (\$300,000) from the
23 Payment In Lieu of Taxes (PILOT) Fund for the purpose of completing GHURA 82
24 housing project located in four sites: Dededo, Merizo, Agat, and Talofofo.

25 Section 8. The sum of Seventy-One Thousand Two Hundred Twenty-Five
26 Dollars (\$71,225) is appropriated from the General Fund to the Guam Election
27 Commission for the purpose of conducting a Run-Off Election for the Office

1 of Non-Voting Delegate to the House of Representatives. Any unexpended balance
2 of this appropriation shall automatically revert to the General Fund upon the
3 completion of the 1988 election.

4 Section 9. The sum of Six Hundred Seventeen Thousand Four Hundred Eighty
5 Dollars (\$617,480) is hereby appropriated from the General Fund to the Legislative
6 Operations Fund for rental, office expenses, renovations, repairs, purchase of
7 equipment and other legislative expenses. The funds shall be allocated by the
8 Committee on Rules.

9 Section 10. The sum of Three Hundred Eighty-Three Thousand Dollars
10 (\$383,000) is appropriated from the General Fund to the Guam Legislature Committee
11 on Ways and Means to accomplish the purposes set out in Section 1400 of the
12 Government Code of Guam and other related fiscal monitoring activities.

13 Section 11. The sum of Forty-Five Thousand Five Hundred Dollars (\$45,500)
14 is appropriated from the General Fund to the Guam Election Commission for the
15 purpose of submitting an Initiative Measure to the voters of Guam in the
16 November 1988 General Election relative to the full implementation of the
17 Option I Salary Reclassification. Any unexpended balance of this appropriation
18 shall automatically revert to the General Fund upon the completion of the
19 1988 election.

20 Section 12. The sum of Fifty Thousand Dollars (\$50,000) is hereby appro-
21 priated from the General Fund to the Guam Legal Services Corporation to supplement
22 any federal funds which may be received by the Corporation during Fiscal Year
23 1988 for the purpose of assisting the elderly and the poor.

24 Section 13. Lines 24 and 25 of Section E, Special Events Development Fund,
25 of Part XX of Public Law 19-10, are amended to read:

1	"4. Off-Roaders International	[25,000 *]	[25,000]
2		<u>35,000 *</u>	<u>35,000</u>
3	5. Bicycle International Race	[20,000 *]	[20,000]
4		<u>10,000*</u>	<u>10,000 ."</u>

5 Section 14. Add a new Item 14 to Subsection (c), Filling of Vacancies,
6 of Section 3, Chapter XII, Administrative Provisions, of Public Law 19-10, to
7 read:

8 "(14) The Governor may fill any vacant Custom and Quarantine
9 Officer position of the Department of Commerce which was authorized
10 on the effective date of this Section."

11 Section 15. Add a new Item 15 to Subsection (c), Filling of Vacancies,
12 of Section 3, Chapter XII, Administrative Provisions, of Public Law 19-10, to
13 read:

14 "(15) The Governor may fill any vacant position in the Commissioners'
15 Offices which was authorized on the effective date of this Act."

16 Section 16. Section 4 of Chapter X, Miscellaneous Appropriations, of
17 Public Law 19-10 is amended to read:

18 "Section 4. The sum of Eight Hundred Fifty Five Thousand Dollars
19 (\$855,000) is appropriated from the Tourist Attraction Fund to the
20 Community Development Fund under the Commissioners' Council, of which
21 the sum of Five Hundred Eighteen Thousand Three Hundred Twenty Dollars
22 (\$518,320) is for the payment of salaries of employees hired by the
23 Commissioners' Council pursuant to the provision of Section 15003.1 of
24 Government Code enacted in Section 17 of Chapter X of P.L. 18-15
25 of which the sum of Three Hundred Thirty Six Thousand Six Hundred
26 Eighty Dollars (\$336,380) is for the purchase of equipment and supplies
27 necessary to perform minor repairs and maintenance pursuant to Section
28 15009.5 of the Government Code enacted in Section 19 of Chapter X of

1 P.L. 18-15. Each village commissioner will be allocated Twenty Seven
2 Thousand Two Hundred Eighty Dollars (\$27,280) for the hiring of two (2)
3 maintenance workers and Seventeen Thousand Seven Hundred Twenty Dollars
4 (\$17,720) for the purchase of necessary equipment and supplies. Each
5 village commissioner shall pay his unclassified maintenance workers
6 such salaries which are equivalent to the pay of classified employees
7 of the same position title, either in the Department of Public Works or
8 the Department of Parks and Recreation. Likewise, the salaries of
9 maintenance workers who were recruited prior to the effective date
10 of this Act shall also be adjusted retroactively to coincide with the
11 effective date of P.L. 19-10."

12 Section 17. Notwithstanding P.L. 18-40, Section 24, prohibiting
13 retroactive payment of salary increases, the Guam Environmental Protection
14 Agency is authorized to use the Forty-One Thousand Seven Hundred Fifty-Four
15 Dollars (\$41,754) appropriated under P.L. 19-5, Section 68 to retroactively
16 compensate present and former engineers of the Guam Environmental Protection
17 Agency at the pay ranges authorized by the Civil Service Commission on
18 November 15, 1985.

19 Section 18. Section 21 of P.L. 19-11 is amended to read:

20 "Section 21. Notwithstanding any other provision of law, the
21 Public Utility Agency of Guam is authorized to pay [prior year's
22 obligation,] the retroactive salary adjustments and/or reclassification
23 of their engineers as approved by the Civil Service Commission, from the
24 FY 1988 appropriations."

25 Section 19. The proposed schedule of fees for New Hospital Services
26 transmitted to the Legislature on March 1, 1988 is hereby disapproved and
27 shall have no force and effect.

1 Section 20. Section 55 of P.L.19-5 is hereby repealed.

2 Section 21. A new subsection (d) is added to 10 GCA §80105 to read:

3 "(d) The Authority shall not implement rates in the current
4 fee schedule, unless approved by the Legislature by statute."

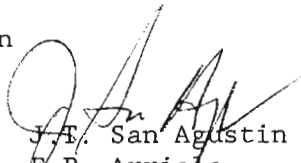
5 Section 22. Section 50 (a) and (b) of Public Law 18-44 are hereby
6 repealed.

Introduced

JAN 15 '87

NINETEENTH GUAM LEGISLATURE
1987 (FIRST) Regular Session

Bill No. 24 (COR)

Introduced by: 
J.T. San Agustin
E.P. Arriola
H.D. Dierking
P.C. Lujan
T.S. Nelson
P.C. Sanchez
F.R. Santos

AN ACT TO AMEND SECTION 7006 OF THE GOVERNMENT CODE
RELATIVE TO REQUIRING THE ATTORNEY GENERAL TO
DELIVER COPIES OF LEGAL OPINIONS TO THE LEGISLATURE
AND PROVIDING FOR A ONE HUNDRED DOLLAR (\$100.00) FINE
FOR FAILURE TO MAKE SUCH DELIVERIES.

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"Subsection 7006. Opinions. The Attorney General shall give, when requested or required, and without fee, except as provided in Subsection 7001, his opinion in writing to public offices, and written instructions to commissioners or others acting for the courts of Guam on all matters relating to service of writs and process. The Attorney General shall also, when requested, give, without fee, his opinion to the Legislature, or members thereof, regarding matters relating to enacted law or the status of case law on a given subject. All legal memoranda or opinions, except those prepared with regard to actual or pending litigation, or which give opinions on matters which, in themselves, are not public, shall be public documents. The Attorney General shall give each such legal memorandum or

opinion[s] to the Legislative Secretary and the Compiler of Laws for publication as soon as reasonably practicable but no later than seven (7) days subsequent to the date of delivery of such memorandum or opinion to the person or agency requesting such memorandum or opinion, and the Compiler of Laws shall provide such memorandum or opinion[s] to the public for examination and copying if [there are] it is not yet published. A document shall not be deemed an 'opinion' or 'memorandum' until such has been signed by the Attorney General or persons authorized by him and delivered to the person or agency requesting such 'opinion' or 'memorandum'. The Attorney General shall be personally responsible for insuring that all opinions and memoranda are delivered to the Legislative Secretary and the Compiler of Laws pursuant to this Section and shall be subject to a fine of One Hundred Dollars (\$100.00) for each opinion or memorandum which is not delivered to both the Legislative Secretary and the Compiler of Laws within the time period prescribed by this Section. Government funds shall not be used to pay any such fine."
