

EDDIE BAZA CALVO
Governor



RAY TENORIO
Lieutenant Governor

Office of the Governor of Guam

November 23, 2011

Honorable Judith T. Won Pat, Ed.D.
Speaker
I Mina'trentai Unu Na Liheslaturan Guåhan
155 Hesler Street
Hagåtña, Guam 96910

31-11-1139
Office of the Speaker
Judith T. Won Pat, Ed. D.
Date 11/28/11
Time 2:08 PM
Received by [Signature]

Dear Madame Speaker:

Transmitted herewith is Bill No. 286-31 (COR) "AN ACT TO AMEND §§30109 AND 30118, AND TO ADD NEW §§ 30121, 30121.1 AND §30121.2, ALL OF CHAPTER 30 OF DIVISION 3, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO GRANTING INCREASED AUTONOMY TO THE OFFICE OF THE ATTORNEY GENERAL ON FINANCIAL AND PERSONNEL MATTERS", which was enacted into law without the signature of *I Maga'lahan Guåhan*. The legislation is now designated as **Public Law 31-153**.

Senseramente,


EDDIE BAZA CALVO

Attachment: copy of Bill

2011 NOV 28 AM 02:27 - [Signature]

I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN
2011 (FIRST) Regular Session

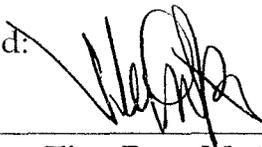
CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN

This is to certify that **Bill No. 286-31 (COR), "AN ACT TO AMEND §§ 30109 AND 30118, AND TO ADD NEW §§ 30121, 30121.1 AND §30121.2, ALL OF CHAPTER 30 OF DIVISION 3, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO GRANTING INCREASED AUTONOMY TO THE OFFICE OF THE ATTORNEY GENERAL ON FINANCIAL AND PERSONNEL MATTERS,"** was on the 8th day of November, 2011, duly and regularly passed.



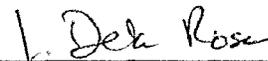
Judith T. Won Pat, Ed.D.
Speaker

Attested:



Tina Rose Muña Barnes
Legislative Secretary

This Act was received by *I Maga'lahaen Guåhan* this 8th day of Nov, 2011, at 4:25 o'clock P.M.



Assistant Staff Officer
Maga'lahaen's Office

APPROVED:

EDWARD J.B. CALVO
I Maga'lahaen Guåhan

Date: NOV 21 2011

Public Law No. 30-153

I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN
2011 (FIRST) Regular Session

Bill No. 286-31 (COR)

As amended by the Committee on Public Safety,
Law Enforcement and Judiciary; and further amended on the Floor.

Introduced by:

Adolpho B. Palacios, Sr.
T. C. Ada
V. Anthony Ada
F. F. Blas, Jr.
B. J.F. Cruz
Chris M. Dueñas
Judith P. Guthertz, DPA
Sam Mabini, Ph.D.
T. R. Muña Barnes
M. Silva Taijeron
v. c. pangelinan
R. J. Respicio
Dennis G. Rodriguez, Jr.
Aline A. Yamashita, Ph.D.
Judith T. Won Pat, Ed.D.

**AN ACT TO *AMEND* §§ 30109 AND 30118, AND TO *ADD*
NEW §§ 30121, 30121.1 AND §30121.2, ALL OF
CHAPTER 30 OF DIVISION 3, TITLE 5, GUAM CODE
ANNOTATED, RELATIVE TO GRANTING INCREASED
AUTONOMY TO THE OFFICE OF THE ATTORNEY
GENERAL ON FINANCIAL AND PERSONNEL
MATTERS.**

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
3 that the people of Guam first elected an Attorney General for the government of

1 Guam in 2002. The election of the position of the Attorney General provides for
2 more independence of that office from *I Maga'lahi* and *I Liheslatura*, which is
3 appropriate for the wide-ranging duties of the Attorney General as the chief legal
4 officer of the government of Guam.

5 *I Liheslatura* further finds that the Office of the Attorney General
6 experiences difficulties with government bureaucracy, specifically concerning
7 personnel recruitment and the release of funds appropriated to the Office. These
8 problems have diminished the ability of the Office of the Attorney General to
9 effectively and efficiently execute its responsibilities as the government of Guam's
10 chief legal representative.

11 *I Liheslaturan Guåhan* finds that the Public Defender Service Corporation
12 (PDSC), as provided in Title 12, Guam Code Annotated, is authorized to
13 administer its budgetary resources and matters pertaining to personnel. This level
14 of autonomy allows for the PDSC to efficiently manage its financial resources and
15 to recruit in a timely manner, and retain personnel critical to supporting the
16 mandates of the PDSC.

17 *I Liheslaturan Guåhan* further finds that it is manifestly in the interest of the
18 people of Guam that the Attorney General shall have more autonomy over the
19 operations of the agency in which he heads. It is only appropriate that the Attorney
20 General have more control over the administration of the Office's budgetary
21 resources and the management of its personnel, including the recruitment, hiring
22 and retention process. This will only enhance its independence and its credibility
23 in the rendering of legal opinions, carrying out its prosecutorial responsibilities and
24 performing the other duties of the Office.

25 Therefore, it is the intent of *I Liheslaturan Guåhan* to amend and add
26 provisions in Title 5, Guam Code Annotated, which grant the Office of the
27 Attorney General a level of autonomy similar to the PDSC relative to the

1 recruitment, hiring and retention of agency personnel, and the proper
2 administration of its financial matters.

3 **Section 2. Duties of the Attorney General.** § 30109 of Chapter 30,
4 Division 3 of Title 5, Guam Code Annotated, is hereby *amended* to read:

5 **“§ 30109. Duties.**

6 The Attorney General is the public prosecutor and, by himself, a
7 deputy or assistant, *shall*:

8 (a) conduct on behalf of the government of Guam the
9 prosecution of all offenses against the laws of Guam which are
10 prosecuted in any of the courts of Guam, the District Court of Guam,
11 and any appeals therefrom;

12 (b) draw all information, conduct grand jury proceedings,
13 prosecute all recognizances forfeited in the courts and all actions for
14 the recovery of debts, fines, penalties and forfeitures accruing to the
15 government of Guam, *except* as otherwise provided in this Act;

16 (c) conduct on behalf of the government of Guam all civil
17 actions in which the government is an interested party; provided that
18 those branches, departments or agencies which are authorized to
19 employ their own legal counsel may use them instead of the Attorney
20 General;

21 (d) deliver receipts of money or property received by him in
22 his official capacity and file duplicates thereof with the Director of
23 Administration;

24 (e) as soon as practical after the receipt of any money in his
25 official capacity, turn the money over to the Director of Revenue and
26 Taxation, and on the first (1st) Monday of each month file with the
27 Director of Administration, an account, verified by his oath, of all

1 monies received by him in his official capacity for the government of
2 Guam during the preceding month;

3 (f) be diligent in protecting the rights and properties of the
4 government of Guam;

5 (g) institute by any appropriate action proceedings on behalf
6 of himself or any other public officers (*not* an employee) to have
7 determined by the courts the validity of any law, rule or regulation of
8 the government of Guam;

9 (h) prepare and submit annual budgets for approval by *I*
10 *Liheslaturan Guåhan*;

11 (i) administer federal funds/programs on behalf of the Office
12 of the Attorney General;

13 (j) serve as the Office of the Attorney General's approving
14 authority for the expenditure of funds;

15 (k) serve as the Office of the Attorney General's appointing
16 authority for all personnel employed at the Office of the Attorney
17 General, hiring employees from an established list of qualified
18 applicants in accordance with established criteria and assigning,
19 detailing, and transferring employees as the Attorney General deems
20 necessary for the effective operation of the Office of the Attorney
21 General; and

22 (l) perform such other duties as are required by law.”

23 **Section 3. Budget and Financial Matters of the Attorney General's**
24 **Office.** § 30118 of Chapter 30, Division 3 of Title 5, Guam Code Annotated, is
25 hereby *amended* to read:

26 “§ 30118. **Budget and Financial Matters.**

1 The Office of the Attorney General *shall* receive an annual budget
2 pursuant to appropriation by *I Liheslaturan Guåhan*, which is *not* subject to
3 the allotment process or the control of the Bureau of Budget and
4 Management Research, nor shall *I Maga'lahaen Guåhan* impound or transfer
5 funds appropriated to the Office of the Attorney General. The Office of the
6 Attorney General *shall* receive from the Department of Administration, or its
7 successor, an amount *no less than* one twelfth (1/12) of its budget on the first
8 (1st) day of every month of the fiscal year until such budget has been
9 exhausted. In a month in which more than two (2) pay periods occur, the
10 Department of Administration *shall* release such funds required for the
11 purpose of meeting the operational needs of the Office of the Attorney
12 General for that month, provided a sufficient balance of the appropriation
13 remains.”

14 **Section 4. Fiscal Authority of the Attorney General’s Office.** A new
15 §30118.1 is hereby *added* to read:

16 **“§30118.1. Fiscal Authority Accounting; Expenditures.**

17 (a) The Office of the Attorney General *shall* be responsible
18 for the conduct of operational matters addressing its financial
19 activities, in accordance with and consistent with the provisions
20 contained herein.

21 (b) The Department of Administration *shall* establish, for the
22 benefit of the Office of the Attorney General, a fund to be known as
23 the “Office of the Attorney General Operations Fund”, hereafter
24 referred to as the “Fund”, which *shall* be maintained by the general
25 administrative services of the Department of Administration separate
26 and apart from other funds of the government of Guam, and
27 independent records and accounts *shall* be maintained in connection

1 therewith. Financial statements detailing the revenues generated and
2 expenses incurred of the Fund *shall* be submitted to the Speaker of *I*
3 *Liheslaturan Guåhan* quarterly, or as otherwise required by law.

4 (c) All monies, *except* for monies required by law to be
5 deposited in a special fund, received by the Office of the Attorney
6 General, from whatever source derived, *shall* be deposited in the Fund
7 bank account of an eligible bank, as defined in 5GCA §21112, which
8 is procured by the Department of Administration.

9 (d) All expenditures from the Fund *shall* be made by the
10 Department of Administration, at the direction of the Office of the
11 Attorney General.

12 (e) The Department of Administration *shall* adopt a uniform
13 system of accounting, consistent with other government of Guam
14 requirements, for the Fund and special funds of the Office of Attorney
15 General.”

16 **Section 5. Administration of Personnel Matters by the Office of the**
17 **Attorney General of Guam.** New §§ 30121, 30121.1 and 30121.2 are hereby
18 *added* to Chapter 30, Division 3, Title 5, Guam Code Annotated, to read:

19 **“§ 30121. Administration of General Personnel Matters.**

20 The Office of the Attorney General *shall* be responsible for the
21 conduct of operational matters addressing its personnel activities, in
22 accordance with and consistent with the provisions contained herein.

23 **§ 30121.1. Administration of Personnel.**

24 The Attorney General of Guam is authorized to hire and appoint such
25 personnel, and to fix their duties and responsibilities under and in
26 accordance with Title 4, Guam Code Annotated, as may be necessary for the
27 purposes of this Chapter.

1 **§ 30121.2. Employment.**

2 (a) Pursuant to the provisions of § 4105 of Title 4, Guam
3 Code Annotated, the Attorney General may establish rules and
4 regulations governing selection, promotion, performance evaluation,
5 demotion, suspension and other disciplinary action for the employees
6 of the Office of the Attorney General. Until such time as the Office of
7 the Attorney General adopts its own rules and regulations as provided
8 herein, the rules and regulations adopted by the Department of
9 Administration *shall* continue to apply to the Office of the Attorney
10 General.

11 (b) Employees of the Office of the Attorney General *shall*
12 continue to be members of the Government of Guam Retirement
13 Fund, subject to the provisions of §8105 of Title 4, Guam Code
14 Annotated. The Office of the Attorney General *shall* contribute to the
15 Government of Guam Retirement Fund on the basis of annual billings
16 as determined by *I Liheslaturan Guåhan* or the Government of Guam
17 Retirement Fund, for the government share of the cost of the
18 retirement benefits applicable to the Office of the Attorney General
19 employees and their beneficiaries. The Office of the Attorney General
20 *shall* also contribute to the Workmen's Compensation Fund, on the
21 basis of annual billings as determined by the Workmen's
22 Compensation Commissioner, for the benefit payments made from the
23 Workmen's Compensation Fund on account of the Office of the
24 Attorney General's employees.

25 (c) Notwithstanding any other provision of law the Office of
26 the Attorney General may provide one (1) way airfare for newly-hired
27 classified, unclassified and/or limited term appointment attorney(s), to

1 Guam and may seek reimbursement from the attorney(s) who do *not*
2 serve the full term of their contract with the Office of the Attorney
3 General.”

4 **Section 6. Effective Date.** The provisions contained herein *shall* be fully
5 effective *no later than* one hundred eighty (180) days following the enactment of
6 this Act. From the period of enactment until the full effect of this Act, the Office
7 of the Attorney General and the Department of Administration may effect a
8 transitional arrangement toward full implementation.

9 **Section 7. Severability.** *If* any provision of this Act or its application to
10 any person or circumstance is found to be invalid or contrary to law, such
11 invalidity *shall not* affect other provisions or applications of this Act which can be
12 given effect without the invalid provisions or application, and to this end the
13 provisions of this Act are severable.

I MINA' TRENTAI UNU NA LIHESLATURAN GUAHAN

2011 (FIRST) Regular Session

Date: 11/07/11⁸

VOTING SHEET

ABill No. 286-31 (COR)

Resolution No. _____

Question: _____

NAME	<u>YEAS</u>	<u>NAYS</u>	NOT VOTING/ ABSTAINED	OUT DURING ROLL CALL	<u>ABSENT</u>
ADA, Thomas C.	✓				
ADA, V. Anthony	✓				
BLAS, Frank F., Jr.	✓				
CRUZ, Benjamin J. F.	✓				
DUENAS, Christopher M.	✓				
GUTHERTZ, Judith Paulette	✓				
MABINI, Sam	✓				
MUNA-BARNES, Tina Rose	✓				
PALACIOS, Adolpho Borja, Sr.	✓				
PANGELINAN, vicente (ben) cabrera	✓				
RESPICIO, Rory J.	✓				
RODRIGUEZ, Dennis G., Jr.	✓				
SILVA TAIJERON, Mana	✓				
WON PAT, Judith T.	✓				
YAMASHITA, Aline A.	✓				

TOTAL

15

CERTIFIED TRUE AND CORRECT:



Clerk of the Legislature

* 3 Passes = No vote
EA = Excused Absence



COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY
I Mina'Trentai Unu Na Liheslaturan Guáhan

SENATOR ADOLPHO B. PALACIOS, SR.
Chairman

Thirty-First
Guam Legislature

October 25, 2011

Committee Members:

- Senator Thomas C. Ada
Vice Chairman
- Speaker Judith T. Won Pat, Ph.D.
Member
- Senator Tina R. Muna Barnes
Member
- Senator Judith P. Guthertz, DPA
Member
- Senator Rory J. Respicio
Member
- Senator Dennis G. Rodriguez, Jr.
Member
- Senator V. Anthony Ada
Member
- Senator Christopher M. Duenas
Member
- Senator Mana Silva Tajeron
Member
- Senator Aline A. Yamashita, Ph.D.
Member

Other Committee
Membership:

- Vice Chairman, Committee on
Utilities, Transportation, Public
Works and Veterans Affairs
- Vice Chairman, Committee on
Health and Human Services,
Senior Citizens, Economic
Development and Election
Reform
- Member, Committee on Rules,
Federal, Foreign & Micronesian
Affairs and Human & Natural
Resources
- Member, Committee on
Education and Public Libraries
- Member, Committee on Guam
Military Buildup and Homeland
Security
- Member, Committee on
Municipal Affairs, Tourism,
Housing and Recreation

The Honorable Judith T. Won Pat, Ed.D.
Speaker
I Mina'Trentai Unu na Liheslaturan Guáhan
155 Hesler Place
Hagåtña, Guam 96910

VIA: The Honorable Rory J. Respicio
Chairman, Committee on Rules

2011 OCT 27 PM 4:52
MM

RE : Committee Report – Bill No. 286-31 (COR) as Amended.

The Committee on Public Safety, Law Enforcement and Judiciary, to which was referred, **Bill No. 286-31 (COR) - "AN ACT RELATIVE TO GRANTING INCREASED AUTONOMY ON FINANCIAL AND PERSONNEL MATTERS TO THE OFFICE OF THE ELECTED ATTORNEY GENERAL, BY AMENDING §30109 AND §30118, AND BY ADDING A NEW §30121, §30121.1 AND §30121.2, ALL OF CHAPTER 30, DIVISION 3, TITLE 5, GUAM CODE ANNOTATED,"** hereby reports out with the recommendation **TO PASS**.

Committee Votes are as follows:

<u>9</u>	TO PASS
<u>0</u>	NOT TO PASS
<u>0</u>	TO REPORT OUT ONLY
<u>0</u>	ABSTAIN
<u>0</u>	INACTIVE FILE

Sincerely,

ADOLPHO B. PALACIOS, MPA, BS/CJA
Chairman

Attachments



COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY

I Mina'Trentai Uno Na Liheslaturan Guåhan

SENATOR ADOLPHO B. PALACIOS, SR.

Chairman

COMMITTEE REPORT ON

BILL NO. 286-31 (COR)

As Amended by the

Committee on Public Safety, Law Enforcement & Judiciary

AN ACT RELATIVE TO GRANTING INCREASED AUTONOMY ON FINANCIAL AND PERSONNEL MATTERS TO THE OFFICE OF THE ELECTED ATTORNEY GENERAL, BY AMENDING §30109 AND §30118, AND BY ADDING A NEW §30121, §30121.1 AND §30121.2, ALL OF CHAPTER 30, DIVISION 3, TITLE 5, GUAM CODE ANNOTATED.



Thirty-First
Guam Legislature

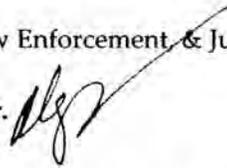
COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY
I Mina'Trentai Uno Na Liheslaturan Guåhan

SENATOR ADOLPHO B. PALACIOS, SR.
Chairman

October 14, 2011

MEMORANDUM

TO: ALL MEMBERS
Committee on Public Safety, Law Enforcement, & Judiciary

FROM: Senator Adolpho B. Palacios, Sr. 
Committee Chairman

SUBJECT: Committee Report on Bill No. 286-31 (COR) as Amended.

Transmitted herewith for your consideration is the Committee Report on **Bill No. 286-31 (COR) as Amended- "AN ACT RELATIVE TO GRANTING INCREASED AUTONOMY ON FINANCIAL AND PERSONNEL MATTERS TO THE OFFICE OF THE ELECTED ATTORNEY GENERAL, BY AMENDING §30109 AND §30118, AND BY ADDING A NEW §30121, §30121.1 AND §30121.2, ALL OF CHAPTER 30, DIVISION 3, TITLE 5, GUAM CODE ANNOTATED,"** – sponsored by Senator Adolpho B. Palacios, Sr.

This report includes the following:

- Committee Voting Sheet
- Committee Report Digest
- Copy of Bill No. 286-31 (COR) as Amended
- Copy of Bill No. 286-31 (COR) as Introduced
- Public Hearing Sign-in Sheet
- Copies of testimony submitted and supporting documents
- Fiscal Note of Bill No. 286-31 (COR)
- Copy of COR Referral of Bill No. 286-31 (COR)
- Notices of Public Hearing
- Copy of the Public Hearing Agenda
- Miscellaneous documents

Please take the appropriate action on the attached voting sheet. Your attention to this matter is greatly appreciated. Should you have any questions or concerns, please contact this office.

Si Yu'os ma'åse!

Committee Members:

- Senator Thomas C. Ada
Vice Chairman
- Speaker Judith T. Won Pat, Ph.D.
Member
- Senator Tina R. Muna Barnes
Member
- Senator Judith P. Guthertz, DPA
Member
- Senator Rory J. Respicio
Member
- Senator Dennis G. Rodriguez, Jr.
Member
- Senator V. Anthony Ada
Member
- Senator Christopher M. Ducenas
Member
- Senator Mana Silva Tujanon
Member
- Senator Aline A. Yamashita, Ph.D.
Member

Other Committee Membership:

- Vice Chairman, Committee on Utilities, Transportation, Public Works and Veterans Affairs
- Vice Chairman, Committee on Health and Human Services, Senior Citizens, Economic Development and Election Reform
- Member, Committee on Education and Public Libraries
- Member, Committee on Rules, Federal, Foreign & Micronesian Affairs and Human & Natural Resources
- Member, Committee on Guam Military Buildup and Homeland Security
- Member, Committee on Municipal Affairs, Tourism, Housing and Recreation



COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY
I Mina'Trentai Uno Na Liheslaturan Guåhan

SENATOR ADOLPHO B. PALACIOS, SR.
Chairman

VOTING SHEET ON:

Bill No. 286-31 (COR) as Amended – AN ACT RELATIVE TO GRANTING INCREASED AUTONOMY ON FINANCIAL AND PERSONNEL MATTERS TO THE OFFICE OF THE ELECTED ATTORNEY GENERAL, BY AMENDING §30109 AND §30118, AND BY ADDING A NEW §30121, §30121.1 AND §30121.2, ALL OF CHAPTER 30, DIVISION 3, TITLE 5, GUAM CODE ANNOTATED. – sponsored by Senator Adolpho B. Palacios, Sr.

SENATOR	SIGNATURE	TO PASS	NOT TO PASS	TO REPORT OUT ONLY	ABSTAIN	INACTIVE FILE
Adolpho B. Palacios, Sr. Chairman		10/14/11 ✓				
Thomas C. Ada Vice Chairman		10/24/11				
Tina R. Muña-Barnes Member		✓				
Judith P. Guthertz, DPA Member		10/17/11				
Rory J. Respicio Member		10/19/11				
Dennis G. Rodriguez, Jr. Member		10/20/11				
Judith T. Won Pat, Ed.D. Member		10/20/11				
V. Anthony Ada Member						
Christopher M. Duenas Member		10/24/11				
Mana Silva Taijeron Member						
Aline A. Yamashita, Ph.D. Member		10/24/11				



COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY

I Mina Trentai Unu Na Liheslaturan Guahan

SENATOR ADOLPHO B. PALACIOS, SR.

Chairman

COMMITTEE REPORT DIGEST

Bill No. 286-31 (COR) – “An Act relative to granting increased autonomy on financial and personnel matters to the Office of the elected Attorney General, by amending §30109 and §30118, and by adding a new §30121, §30121.1 and §30121.2, all of Chapter 30, Division 3, Title 5, Guam Code Annotated.” – by Senator Adolpho B. Palacios, Sr.

I. OVERVIEW

The Committee on Public Safety, Law Enforcement and Judiciary convened the public hearing on September 27, 2011 at 8:42 a.m. in *I Liheslatura's* Public Hearing Room. Among the items on the agenda was the consideration of Bill No. 286-31 (COR) - “An Act relative to granting increased autonomy on financial and personnel matters to the Office of the elected Attorney General, by amending §30109 and §30118, and by adding a new §30121, §30121.1 and §30121.2, all of Chapter 30, Division 3, Title 5, Guam Code Annotated” sponsored by Senator Adolpho B. Palacios, Sr.

Public Hearing Requirements:

Notices of the hearing were disseminated via facsimile and email to all senators and all main media broadcasting outlets on September 19, 2011 (5-day Notice) and on September 23, 2011 (48-Hour notice) pursuant to meeting the requirements of the Open Government Law. Notice of the hearing was also posted on the Guam Legislature’s website.

Senators Present:

Senator Adolpho B. Palacios, Sr., Chairman
Senator Aline A. Yamashita, Ph.D., Member
Senator Christopher M. Duenas, Member
Senator Vicente C. Pangelinan

Individual(s) Registered for oral or written testimony:

Leonardo Rapadas, Attorney General, Office of the Attorney General, provided oral and written testimony in support of the Bill.
Phillip Tydingco, Chief Deputy Attorney General, Administration Division, Office of the Attorney General, provided oral testimony in support of the Bill.
J. Basil O’Mallan, Chief Prosecutor, Prosecution Division, Office of the Attorney General, provided oral testimony in support of the Bill.
J. Patrick Mason, Deputy Attorney General, Civil Litigation Division, Office of the Attorney General, provided oral testimony in support of the Bill.

II. SUMMARY OF TESTIMONIES

Chairman Adolpho B. Palacios, Sr. convened the public hearing of the Committee on Public Safety, Law Enforcement and Judiciary on Bill No. 286-31 (COR) at 8:42 a.m., read the agenda for the public hearing and yielded to the Attorney General to make a presentation regarding the Bill. Chairman Palacios called the panel of Attorney General Leonardo Rapadas, Chief Deputy Attorney General Phil Tydingco, Deputy Attorney General Basil O'Mallan, and Deputy Attorney General J. Patrick Mason to testify.

Attorney General Leonardo Rapadas read his prepared written statement. The Attorney General stated that the independence of the Office has been established by the creation of the elected Attorney General. He stated that the Office has been subject to bureaucratic oversight of the Department of Administration and the Bureau of Budget Management and Research. (*See attached written testimony.*) He stated that there is a missing piece in the Attorney General's Office, which is to further increase the independence of the office. He said that the Public Defender Service Corporation handles its own personnel matters. The Attorney General stated that there are many bureaucratic hurdles that hamper the functioning of the office.

Chief Deputy Attorney General Phil Tydingco stated that he is somewhat like the office manager for the Office of the Attorney General. He said that they must still report to the Bureau of Budget Management and Research (BBMR) and that there are many different levels of bureaucracy that are involved in hiring even a single employee. Mr. Tydingco said that there are delays and disputes with the administration. He stated that sometimes they must issue a legal opinion in order to hire. Mr. Tydingco stated that the Public Defender Service Corporation is able to hire for positions much faster than the Office of the Attorney General. He stated that they would be more effective and efficient if they had their own human resources rather than working through the Department of Administration. He said that even their allotments are controlled by BBMR.

Attorney General Rapadas also said that there is a revolving door for positions. He said that there is a large turnover in the Office. The Attorney General said that this would improve their ability to hire.

Deputy Attorney General Basil O'Mallan said that part of the hiring process is to get a certificate of good standing which is only good for thirty days and they often have to get more than one during the hiring process. He stated that they are not interested in circumventing the rules and regulations, but to be able to manage the process effectively.

Deputy Attorney General J. Patrick Mason related a few hiring stories. He stated that one attorney had to wait eight months before they were able to hire her. Mr. Mason said that the bill will greatly help the Office of the Attorney General.

Chairman Adolpho B. Palacios stated his intent to hold a mark-up meeting on the bill.

Senator Vicente C. Pangelinan asked about what could be wrong with the hiring process. He raised the possibility that it was not about waiting until funds are certified for hiring an applicant. Attorney General Rapadas stated that there is a large problem with the recruitment process. Mr. Tydingco stated that they always certify funds before they process for hiring.

Senator Christopher M. Duenas stated that he supports the bill. He said that there may need to be a mark-up including the Department of Administration. Senator Duenas stated that there may be an issue with above-step recruitment for attorneys. Attorney General Rapadas stated that there needs to be an institutional change within the Office of the Attorney General to take on these responsibilities. Mr. Tydingco implied that as long as there are BBMR and DOA controls over the Office of the Attorney General, there is a potential for political pressure.

Senator Aline A. Yamashita, Ph.D., asked whether the Office of the Attorney General would want to be able to cut their checks. She said that there is an opportunity to further amend and refine the bill. Senator Yamashita asked whether there are female attorneys at the Public Defender. Attorney General Rapadas stated that the Public Defender has female attorneys and it also has a secretary for each attorney. He said that the Attorney General's Office is still young and is still growing. Senator Yamashita asked whether they would need additional personnel and Mr. Tydingco said that they likely would.

Chairman Palacios stated that this bill will be a good start in increasing the autonomy of the Attorney General's Office. He listed a number of agencies that currently have such autonomy.

Attorney General Rapadas stated that DOA and BBMR have done great work, but it is time to establish a more autonomous system.

Chairman Adolpho B. Palacios, Sr., declared that Bill No. 286-31 (COR) has been duly heard. The hearing was adjourned at 3:05 p.m.

III. WRITTEN TESTIMONIES

Leonardo Rapadas, Attorney General, Office of the Attorney General. *(Summarized in Section II.)*

Alberto Lamorena V, Executive Director, Civil Service Commission. (*Summary follows.*)

Alberto Lamorena V, Executive Director, Civil Service Commission. Executive Director. Mr. Lamorena stated that the Civil Service Commission is concerned with the extent of autonomy the legislation would allow for the classification and compensation of employees of the Office of the Attorney General and the formulation of personnel rules and regulations. He said that there have been cases where agencies have been allowed to create similar positions that exist in other government agencies and vary their pay scales for those positions. The Commission is not opposed to the implementation of personnel rules and regulations specific to the agency, but would like to see an agency, such as the Civil Service Commission, be responsible to review and approve the rules to ensure consistency and equity in the government of Guam. (*See attached written testimony.*)

No further written testimony was received within the ten-day period following the public hearing of Bill No. 286-31 (COR).

IV. FINDINGS AND RECOMMENDATION

Mark-up Meeting on Bill 286-31 (COR) on October 4, 2011 at 9:43 a.m.:

Participants:

Senator Adolpho B. Palacios, Sr., Chairman.

Phillip Tydingco, Chief Deputy Attorney General, Administration Division, Office of the Attorney General.

Shane Ngata, acting Administrator, Human Resources Division, Department of Administration.

Ray Lizama, Personnel Specialist IV, Human Resources Division, Department of Administration.

Proceedings:

Chairman Adolpho B. Palacios, Sr., convened the meeting at 9:43 a.m. He expressed his feeling that it is important that the Department of Administration participate and review what the Bill proposes. The intent is to shorten the time it takes to fill a position. The Chairman allowed Deputy Attorney General Phillip Tydingco to make a presentation.

Deputy Attorney General Tydingco said that the intention is to do everything short of accounting. He stated that they go through BBMR for hiring, but it slows down the hiring process and it has nearly come to filing an action. Mr. Tydingco made reference to the ease with which the Public Defender Service Corporation is able to hire. He stated that Mr. Mike Nisperos, former Executive Director of the Public Defender Service

Corporation, had suggested that the Office of the Attorney General seek greater autonomy in human resources and financial management.

Acting Administrator Shane Ngata said that if the problem is hiring attorneys, they understand the need for increased flexibility.

Mr. Tydingco said that there was a provision needed to allow the Attorney General to pay for one-way travel for recruitment purposes. He stated that the primary motivation for the Bill is to allow for an expedited process to recruit and hire attorneys.

Mr. Ngata suggested that the Department of Administration maintain control over other positions, but that the Attorney General can have more autonomy over the hiring of attorneys.

Deputy Attorney General Tydingco said that the Public Defender Service Corporation can hire a new attorney in almost one day. He pointed out that removing additional positions from the Department of Administration's Human Resources Division would make it easier for DOA. Mr. Tydingco discussed the Senator's idea of a transition with shared responsibility. He stated that he likes the Bill as proposed. Mr. Tydingco said that he wants to make it easier on DOA's HR Division.

Mr. Shane Ngata said they are willing to approach the idea or an alternative.

Mr. Tydingco discussed the stretched secretarial pool at the Office of the Attorney General and contrasted it with the Public Defender's one-to-one secretary-to-attorney ratio.

Chairman Palacios pointed to the establishment of the Office of the Attorney General Operations Fund and Mr. Tydingco stated that such accounts already exist and the Bill merely formalizes it. The Chairman asked for an amendment for personnel management. Mr. Tydingco reiterated that there should also be a change with regard to recruitment travel.

Mr. Ngata mentioned that the Department of Education cuts their own checks and Mr. Tydingco stated that they do not seek that authority. He said that they want a Human Resources set-up like the Public Defender. Mr. Ngata asked whether they used the Judiciary to cut checks. Mr. Tydingco stated that they cut their own checks.

Deputy Attorney General Tydingco explained that they want approval of GG1s at the Office of the Attorney General and providing the completed GG1s to Human Resources to process for payroll. Mr. Ngata said that is similar to how the Mayors handle personnel. Mr. Tydingco said that he will look at the Mayors as a potential model. He said that it will result in less work for the Department of Administration's Human Resources Division. Mr. Ngata brought up the suggestion of keeping it to attorneys, which would take one human resources officer for the Office of the Attorney General,

but that it would take two (2) officers if it were for all positions. Mr. Tydingco said that he will look at the Mayors for a model and that they would still be interested in working with the Department of Administration for testing of applicants. Chairman Palacios said that the Human Resources Division can do testing and rating for the positions.

Deputy Attorney General Tydingco said that they try to be consistent with the Public Defender and the Judiciary. He said that when any of them tweak their system, it creates a morale problem at the Office of the Attorney General. Mr. Tydingco stated that sometimes the judiciary deviates further by hiring attorneys as non-classified positions. He pointed to transfers into and out of the classified positions and the problems it creates. Mr. Tydingco pointed out that DOA's Human Resources handle all the line agencies. Chairman Palacios suggested a thirty (30) to sixty (60) day transition period. The Chairman asked about the GG1s in process during such a transition. Mr. Tydingco stated that transition language should allow for some flexibility in how DOA HR and the Office of the Attorney General interact on personnel matters.

Chairman Adolpho B. Palacios, Sr., concluded the meeting.

Recommendations:

The Committee on Public Safety, Law Enforcement and Judiciary hereby reports out **Bill No. 286-31 (COR), as amended by the Committee, with the recommendation TO PASS.**

2011 JUN 11 11:12 AM
CATION

I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN
2011 (FIRST) Regular Session

Bill No. 286-31 (COR)

Introduced by:

Adolpho B. Palacios, Sr. 

**AN ACT RELATIVE TO GRANTING INCREASED
AUTONOMY ON FINANCIAL AND PERSONNEL
MATTERS TO THE OFFICE OF THE ELECTED
ATTORNEY GENERAL, BY AMENDING §30109 AND
§30118, AND BY ADDING A NEW §30121, §30121.1
AND §30121.2, ALL OF CHAPTER 30, DIVISION 3,
TITLE 5, GUAM CODE ANNOTATED.**

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan*
3 finds that the people of Guam first elected an Attorney General for the
4 government of Guam in 2002. The election of the position of the Attorney
5 General provides for more independence of that office from *I Maga'lahi* and
6 *I Liheslatura*, which is appropriate for the wide-ranging duties of the
7 Attorney General as the chief legal officer of the government of Guam.

8 *I Liheslatura* further finds that the Office of the Attorney General
9 experiences difficulties with government bureaucracy, specifically
10 concerning personnel recruitment and the release of funds appropriated to
11 the Office. These problems have diminished the ability of the Office of the
12 Attorney General to effectively and efficiently execute its responsibilities as
13 the government of Guam's chief legal representative.

14 *I Liheslaturan Guåhan* finds that the Public Defender Service
15 Corporation (PDSC), as provided in Title 12, Guam Code Annotated, is

1 authorized to administer its budgetary resources and matters pertaining to
2 personnel. This level of autonomy allows for the PDSC to efficiently
3 manage its financial resources and to recruit in a timely manner, and retain
4 personnel critical to supporting the mandates of the PDSC.

5 *I Liheslaturan Guåhan* further finds that it is manifestly in the interest
6 of the people of Guam that the Attorney General shall have more autonomy
7 over the operations of the agency in which he heads. It is only appropriate
8 that the Attorney General have more control over the administration of the
9 Office's budgetary resources and the management of its personnel, including
10 the recruitment, hiring and retention process. This will only enhance its
11 independence and its credibility in the rendering of legal opinions, carrying
12 out its prosecutorial responsibilities and performing the other duties of the
13 Office.

14 Therefore, it is the intent of *I Liheslaturan Guåhan* to amend and add
15 provisions in Title 5, Guam Code Annotated, which grant the Office of the
16 Attorney General a level of autonomy similar to the PDSC relative to the
17 recruitment, hiring and retention of agency personnel, and the proper
18 administration of its financial matters.

19 **Section 2. Duties of the Attorney General.** Section 30109 of
20 Chapter 30, Division 3, Title 5, Guam Code Annotated, is hereby *amended*.

21 **“§30109. Duties.**

22 The Attorney General is the public prosecutor and, by himself,
23 a deputy or assistant, shall:

24 (a) Conduct on behalf of the Government of Guam the
25 prosecution of all offenses against the laws of Guam which
26 are prosecuted in any of the courts of Guam, the District
27 Court of Guam, and any appeals therefrom.

- 1 (b) Draw all informations, conduct grand jury proceedings,
2 prosecute all recognizances forfeited in the courts and all
3 actions for the recovery of debts, fines, penalties and
4 forfeitures accruing to the government of Guam, except as
5 otherwise provided in this Act;
- 6 (c) Conduct on behalf of the government of Guam all civil
7 actions in which the government is an interested party;
8 provided that those branches, departments or agencies which
9 are authorized to employ their own legal counsel may use
10 them instead of the Attorney General.
- 11 (d) Deliver receipts of money or property received by him in his
12 official capacity and file duplicates thereof with the Director
13 of Administration;
- 14 (e) As soon as practical after the receipt of any money in his
15 official capacity, turn the money over to the Director of
16 Revenue and Taxation, and on the first Monday of each
17 month file with the Director of Administration, an account,
18 verified by his oath, of all monies received by him in his
19 official capacity for the government of Guam during the
20 preceding month;
- 21 (f) Be diligent in protecting the rights and properties of the
22 government of Guam;
- 23 (g) Institute by any appropriate action proceedings on behalf of
24 himself or any other public officers (not an employee) to
25 have determined by the courts the validity of any law, rule
26 or regulation of the government of Guam; ~~and~~
- 27 (h) Prepare and submit annual budgets for approval by I

1 *Liheslaturan Guåhan.*

2 (i) Administer federal funds/programs on behalf of the Office
3 of the Attorney General.

4 (j) Serve as the Office of the Attorney General’s approving
5 authority for the expenditure of funds.

6 (k) Serve as the Office of the Attorney General’s appointing
7 authority for all personnel employed at the Office of the
8 Attorney General, hiring employees from an established list
9 of qualified applicants in accordance with established
10 criteria and assigning, detailing, and transferring employees
11 as the Attorney General deems necessary for the effective
12 operation of the Office of the Attorney General; and

13 (l) Perform such other duties as are required by law.”

14 **Section 3. Budget and Financial Matters of the Attorney**
15 **General’s Office.** Section 30118 of Chapter 30, Division 3, Title 5, Guam
16 Code Annotated, is hereby *amended*.

17 **“§30118. Budget and Financial Matters.**

18 The Office of the elected Attorney General shall receive an
19 annual budget pursuant to appropriation by *I Liheslaturan Guåhan*,
20 which ~~shall be disbursed to the Office in twelve (12), equal monthly~~
21 ~~installments. The budget of the elected Attorney General is not~~
22 subject to the allotment process or the control of the Bureau of Budget
23 and Management Research, nor shall *I Maga’lahen Guåhan* impound
24 or transfer funds appropriated to the elected Attorney General. The
25 Office of the elected Attorney General shall receive from the
26 Department of Administration, or its successor, an amount no less
27 than one twelfth (1/12) of its budget on the first day of every month of

1 the fiscal year until such budget has been exhausted. ~~On~~ In a month
2 ~~where in which~~ more than two (2) pay periods ~~shall~~ occur, the
3 Department of Administration shall release such funds required for
4 the purpose of meeting the operational needs of the Office of the
5 elected Attorney General for that month, provided a sufficient balance
6 of the appropriation remains.

7 **§30118.1. Fiscal Authority Accounting; Expenditures.**

8 (a) The Office of the Attorney General shall be responsible for
9 the conduct of operational matters addressing its financial
10 activities, in accordance with and consistent with the
11 provisions contained herein.

12 (b) The Department of Administration shall establish, for the
13 benefit of the Office of the Attorney General, a fund to be
14 known as the “Office of the Attorney General Operations
15 Fund”, hereafter referred to as the “Fund”, which shall be
16 maintained by the general administrative services of the
17 Department of Administration separate and apart from other
18 funds of the government of Guam, and independent records
19 and accounts shall be maintained in connection therewith.
20 Financial Statements, entailing the revenues generated and
21 expenses incurred, of the Fund shall be furnished to I
22 Liheslaturan Guåhan quarterly, or as otherwise required by
23 law.

24 (c) All monies, excepting monies required by law to be
25 deposited in a special fund, received by the Office of the
26 Attorney General, from whatever source derived, shall be
27 deposited into the Fund bank account in an eligible bank as

1 defined in 5GCA §21112, which is procured by the
2 Department of Administration.

3 (d) All expenditures from the Fund shall be made by the
4 Department of Administration at the direction of the Office
5 of the Attorney General.

6 (e) The Department of Administration shall adopt a uniform
7 system of accounting, consistent with other government of
8 Guam requirements, for the Fund and special funds of the
9 Office of Attorney General.”

10 **Section 4. Administration of Personnel Matters by the Office of**
11 **the Elected Attorney General of Guam.** A new §30121, §30121.1 and
12 §30121.2 are hereby *added* to Chapter 30, Division 3, Title 5, Guam Code
13 Annotated.

14 **“§30121. Administration of General Personnel Matters.**

15 The Office of the Attorney General shall be responsible for the
16 conduct of operational matters addressing its personnel activities, in
17 accordance with and consistent with the provisions contained herein.

18 **§30121.1. Administration of Personnel.**

19 The Attorney General of Guam is authorized to hire and appoint
20 such personnel, and to fix their duties and responsibilities under and in
21 accordance with 4GCA, as may be necessary for the purposes of this
22 Chapter.

23 **§30121.2. Employment.**

24 (a) Pursuant to the provisions of 4GCA §4105, the Attorney
25 General may establish rules and regulations governing
26 selection, promotion, performance evaluation, demotion,
27 suspension and other disciplinary action for the employees

1 of the Office of the Attorney General. Until such time as the
2 Office of the Attorney General adopts its own rules and
3 regulations as provided herein, the rules and regulations
4 adopted by the Department of Administration shall continue
5 to apply to the Office of the Attorney General.

6 (b) Employees of the Office of the Attorney General shall
7 continue to be members of the government of Guam
8 Retirement Fund, subject to the provisions of 4GCA §8105.
9 The Office of the Attorney General shall contribute to the
10 government of Guam Retirement Fund on the basis of
11 annual billings as determined by *I Liheslaturan Guåhan* or
12 the government of Guam Retirement Fund, for the
13 government share of the cost of the retirement benefits
14 applicable to the Office of the Attorney General employees
15 and their beneficiaries. The Office of the Attorney General
16 shall also contribute to the Workmen’s Compensation Fund,
17 on the basis of annual billings as determined by the
18 Workmen’s Compensation Commissioner, for the benefit
19 payments made from the Workmen’s Compensation Fund
20 on account of the Office of the Attorney General’s
21 employees.”

22 **Section 5. Effective Date.** The provisions contained herein shall be
23 effective following enactment.

24 **Section 6. Severability.** If any provision of this Act or its
25 application to any person or circumstance is found to be invalid or contrary
26 to law, such invalidity shall not affect other provisions or applications of this

- 1 Act which can be given effect without the invalid provisions or application,
- 2 and to this end the provisions of this Act are severable.

I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN
2011 (FIRST) Regular Session

Bill No. 286-31 (COR)

As amended by the Committee on Public Safety,
Law Enforcement and Judiciary.

Introduced by:

Adolpho B. Palacios, Sr.

**AN ACT RELATIVE TO GRANTING INCREASED
AUTONOMY ON FINANCIAL AND PERSONNEL
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6 *I Liheslatura*, which is appropriate for the wide-ranging duties of the
7 Attorney General as the chief legal officer of the government of Guam.

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9 experiences difficulties with government bureaucracy, specifically
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14 out its prosecutorial responsibilities and performing the other duties of the
15 Office.

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20 administration of its financial matters.

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22 Chapter 30, Division 3, Title 5, Guam Code Annotated, is hereby *amended*.

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5 actions for the recovery of debts, fines, penalties and
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7 otherwise provided in this Act;

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9 actions in which the government is an interested party;
10 provided that those branches, departments or agencies which
11 are authorized to employ their own legal counsel may use
12 them instead of the Attorney General.

13 (d) Deliver receipts of money or property received by him in his
14 official capacity and file duplicates thereof with the Director
15 of Administration;

16 (e) As soon as practical after the receipt of any money in his
17 official capacity, turn the money over to the Director of
18 Revenue and Taxation, and on the first Monday of each
19 month file with the Director of Administration, an account,
20 verified by his oath, of all monies received by him in his
21 official capacity for the government of Guam during the
22 preceding month;

23 (f) Be diligent in protecting the rights and properties of the
24 government of Guam;

25 (g) Institute by any appropriate action proceedings on behalf of
26 himself or any other public officers (not an employee) to

1 have determined by the courts the validity of any law, rule
2 or regulation of the government of Guam; and

- 3 (h) Prepare and submit annual budgets for approval by I
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- 7 (j) Serve as the Office of the Attorney General’s approving
8 authority for the expenditure of funds.
- 9 (k) Serve as the Office of the Attorney General’s appointing
10 authority for all personnel employed at the Office of the
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1 Office of the elected Attorney General shall receive from the
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4 the fiscal year until such budget has been exhausted. ~~On~~ In a month
5 ~~where~~ in which more than two (2) pay periods shall occur, the
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19 maintained by the general administrative services of the
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21 funds of the government of Guam, and independent records
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23 Financial Statements, entailing the revenues generated and
24 expenses incurred, of the Fund shall be furnished to I
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26 law.

1 (c) All monies, excepting monies required by law to be
2 deposited in a special fund, received by the Office of the
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5 defined in 5GCA §21112, which is procured by the
6 Department of Administration.

7 (d) All expenditures from the Fund shall be made by the
8 Department of Administration at the direction of the Office
9 of the Attorney General.

10 (e) The Department of Administration shall adopt a uniform
11 system of accounting, consistent with other government of
12 Guam requirements, for the Fund and special funds of the
13 Office of Attorney General.”

14 **Section 4. Administration of Personnel Matters by the Office of**
15 **the Elected Attorney General of Guam.** A new §30121, §30121.1 and
16 §30121.2 are hereby *added* to Chapter 30, Division 3, Title 5, Guam Code
17 Annotated.

18 **“§30121. Administration of General Personnel Matters.**

19 The Office of the Attorney General shall be responsible for the
20 conduct of operational matters addressing its personnel activities, in
21 accordance with and consistent with the provisions contained herein.

22 **§30121.1. Administration of Personnel.**

23 The Attorney General of Guam is authorized to hire and appoint
24 such personnel, and to fix their duties and responsibilities under and in
25 accordance with 4GCA, as may be necessary for the purposes of this
26 Chapter.

27 **§30121.2. Employment.**

1 (a) Pursuant to the provisions of 4GCA §4105, the Attorney
2 General may establish rules and regulations governing
3 selection, promotion, performance evaluation, demotion,
4 suspension and other disciplinary action for the employees
5 of the Office of the Attorney General. Until such time as the
6 Office of the Attorney General adopts its own rules and
7 regulations as provided herein, the rules and regulations
8 adopted by the Department of Administration shall continue
9 to apply to the Office of the Attorney General.

10 (b) Employees of the Office of the Attorney General shall
11 continue to be members of the government of Guam
12 Retirement Fund, subject to the provisions of 4GCA §8105.
13 The Office of the Attorney General shall contribute to the
14 government of Guam Retirement Fund on the basis of
15 annual billings as determined by *I Liheslaturan Guåhan* or
16 the government of Guam Retirement Fund, for the
17 government share of the cost of the retirement benefits
18 applicable to the Office of the Attorney General employees
19 and their beneficiaries. The Office of the Attorney General
20 shall also contribute to the Workmen's Compensation Fund,
21 on the basis of annual billings as determined by the
22 Workmen's Compensation Commissioner, for the benefit
23 payments made from the Workmen's Compensation Fund
24 on account of the Office of the Attorney General's
25 employees.

26 (c) Notwithstanding any other provision of law to the contrary,
27 the Office of the Attorney General may employ attorneys

1 recruited from without Guam as a Classified, Unclassified
2 and/or Limited Term Appointment attorney, which may
3 include providing payment for the one- (1-) way
4 transportation or air fare from point of hire to Guam
5 calculated at the lowest prevailing air fare, and the Office of
6 the Attorney General may seek the full or pro-rated
7 reimbursement of the cost of the transportation or air fare
8 from the attorneys who do not serve at least one (1) full year
9 with the Office of the Attorney General.”

10 **Section 5. Effective Date.** The provisions contained herein shall be
11 fully effective not later than one hundred eighty (180) days following the
12 enactment of this Act. From the period of enactment until the full effect of
13 this Act, the Office of the Attorney General and the Department of
14 Administration may effect a transitional arrangement toward full
15 implementation.

16 **Section 6. Severability.** If any provision of this Act or its
17 application to any person or circumstance is found to be invalid or contrary
18 to law, such invalidity shall not affect other provisions or applications of this
19 Act which can be given effect without the invalid provisions or application,
20 and to this end the provisions of this Act are severable.



COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY

I Mina'Trentai Uno na Liheslaturan Guahan

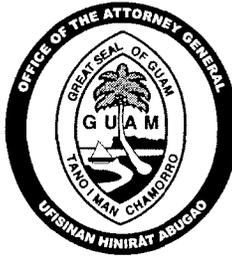
SENATOR ADOLPHO B. PALACIOS, SR.
CHAIRMAN

Tuesday, September 27, 2011

Bill No. 286-31 (COR) – AN ACT RELATIVE TO GRANTING INCREASED AUTONOMY ON FINANCIAL AND PERSONNEL MATTERS TO THE OFFICE OF THE ELECTED ATTORNEY GENERAL, BY AMENDING §30109 AND §30118, AND BY ADDING A NEW §30121, §30121.1 AND §30121.2, ALL OF CHAPTER 30, DIVISION 3, TITLE 5, GUAM CODE ANNOTATED. – by Senator Adolpho B. Palacios, Sr.

NAME (Please Print)	AGENCY/ORGANIZATION	CONTACT NUMBER	ORAL TESTIMONY	WRITTEN TESTIMONY	IN FAVOR	NOT IN FAVOR
✓ Patrick Mason	AGU		✓		✓	
✓ Basil O'Mallon	AGO		✓		✓	
✓ Phil Tydings	AGO			✓	✓	
✓ Leonardo Papadolas	AG		✓			

Leonardo M. Rapadas
Attorney General



Phillip J. Tydingco
Chief Deputy Attorney General

OFFICE OF THE ATTORNEY GENERAL

September 27, 2011

Hon. Adolpho B. Palacios, Sr.
Chairperson
Committee on Public Safety,
Law Enforcement, & Judiciary
Senator, Thirty-First Guam Legislature
115 Hesler Place, Hagatna, Guam 96910

Subject: Bill No. 286-31 (COR) An Acto Relative to Granting Increased Autonomy on Financial and Personnel Matters to the Office of the Elected Attorney General, By Amending §30109 and 30118, and by Adding a New§30121, §30121.1 and §30121.2, All of Chapter 30, Division 3, Title 5 Guam Code Annotated

Dear Chairman Palacios,

On behalf of the Office of the Attorney General, we first thank you for hearing our concerns about the need for increased autonomy on financial and personnel matters which unduly hampers our operations, and of course, we are very grateful to you for authoring Bill No. 286-31 in pursuit of that increased autonomy.

The Guam Legislature who was guided by the wishes of the People of Guam and by their own wisdom made a policy decision to enhance the ability of the Office of the Attorney General to function independently by making the Attorney General of Guam an elected position. This independence would in turn increase the Office's ability to effectively and efficiently execute the numerous myriad of duties and responsibilities required under Guam law. However, it has been the experience of the Office that it continues to be subject the bureaucratic oversight and administrative requirements of the Department of Administration (DOA) and the Bureau of Budget, Management and Research (BBMR) that have proven to be obstacles affecting our ability to carry these duties and responsibilities, particularly with the recruitment of attorneys and personnel and with other operational needs. We only ask that at a minimum the Office of the Attorney General be placed on the same level operationally insofar as the management of its financial and personnel matters are concerned as the Public Defender Service Corporation.

We look forward to answering inquiries from you and your colleagues, and we again respectfully urge you and your colleagues to support the passage of this bill.

Sincerely,

LEONARDO M. RAPADAS
Attorney General of Guam



EDDIE BAZA CALVO
Governor

RAY TENORIO
Lieutenant Governor

**I Gobietnon Guahan
CIVIL SERVICE COMMISSION
KUMISION I SETBISION SIBIT**

7TH Floor International Trading Center (ITC)
Marine Corp Drive, Tamuning 96913
P.O. Box 2950 Hagatna, Guahan 96932
Tel: 647-1855/57 Fax: 647-1867



Alberto "Tony" Lamorena V
Director

CSC NO: 2011-054

September 27, 2011

Adolpho B. Palacios
Senator
Guam Legislature
155 Hesler Place
Hagatna, Guam 96910

Buenas Yan Hafa Adai,

Senator Adolpho B. Palacios, Sr., Chairperson and members of the Committee on Public Safety, Law Enforcement and Judiciary my name is Alberto "Tony" Lamorena V, Executive Director of the Guam Civil Service Commission. I am appearing before you today to testify on Bill286-31 (COR).

I want to thank you for the opportunity to provide input with regard to Bill 286-31 (COR), which is entitled "An act relative to granting increased autonomy on financial and personnel matters to the Office of the elected Attorney General, by amending §30109 and §30118, and by adding a new §30121, §30121.1 and §30121.2; all of Chapter 30, Division 3, Title 5, Guam Code Annotated."

The Civil Service Commission does not have any issues with the merits of the bill, although we are concerned with the extent of autonomy the legislation will allow in regards to classification and compensation of AG employees and the formulation of personnel rules and regulations. The Commission is committed to ensure equity for all government of Guam employees regardless if they are employed in line or autonomous agencies.

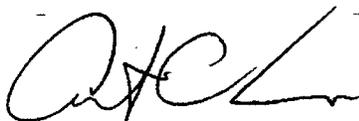
In the past, legislation was approved which has created disparity within the government by allowing certain agencies to set pay scales without being evaluated by the Classification and Compensation Section at the Department of Administration's Personnel Division. As a result these agencies approved positions designated "Certified Technical positions" without the guidance and approval of DOA, creating similar positions that already exist in other government agencies thus creating varying pay scales for these positions. The Civil Service Commission is committed to the integrity and protection of the merit system, the Classification and

Compensation Section is an integral component that evaluates job descriptions, qualifications and sets pay scales to ensure parity within the government of Guam.

In the matter of establishing personnel rules and regulations, various agencies have been authorized by law to approve and implement personnel rules and regulations specific to their respective agencies, the Commission is not opposed to this, but would like to see an agency such as the Commission, to be responsible for reviewing and approving these rules to ensure consistency and equity throughout the government of Guam.

Again, thank you for allowing me to provide testimony and should you have any questions, please feel free to contact me.

Si Yu'us Ma'ase,

A handwritten signature in black ink, appearing to read 'Tony Lamorena', written in a cursive style.

Alberto "Tony" Lamorena V



COMMITTEE ON RULES

I Mina'trentai Unu na Libeslaturan Guåhan • The 31st Guam Legislature
155 Hesler Place, Hagåtña, Guam 96910 • www.guamlegislature.com
E-mail: roryforguam@gmail.com • Tel: (671)472-7679 • Fax: (671)472-3547

2011 AUG 29 11:14:28
MWR

Senator
Rory J. Respicio
CHAIRPERSON
MAJORITY LEADER

August 29, 2011

Memorandum

Senator
Judith P. Guthertz
VICE CHAIRPERSON
ASST. MAJORITY LEADER

To: Pat C. Santos
Clerk of the Legislature

MAJORITY
MEMBERS:

From: Senator Rory J. Respicio

Speaker
Judith T. Won Pat

Subject: Fiscal Notes

Vice Speaker
Benjamin J. F. Cruz

Hafa Adai!

Attached please find the fiscal notes for the bill numbers listed below. Please note that the fiscal notes, or waivers, are issued on the bills as introduced.

Senator
Tina Rose Muña Barnes
LEGISLATIVE SECRETARY
MAJORITY WHIP

Senator
Dennis G. Rodriguez, Jr.
ASST. MAJORITY WHIP

Bill Nos.: 272-31 (COR)
278-31 (LS)
286-31 (COR)

Senator
Thomas C. Ada

Senator
Adolpho B. Palacios, Sr.

Please forward the same to MIS for posting on our website. Please contact our office should you have any questions regarding this matter.

Senator
vicente c. pangelinan

MINORITY
MEMBERS:

Si Yu'os ma'åse'!

Senator
Aline A. Yamashita
ASST. MINORITY LEADER

Senator
Christopher M. Duenas

Fiscal Note of Bill No. 286-31 (COR)

AN ACT RELATIVE TO GRANTING INCREASED AUTONOMY ON FINANCIAL AND PERSONNEL MATTERS TO THE OFFICE OF THE ELECTED ATTORNEY GENERAL, BY AMENDING §30109 AND §30118 AND BY ADDING A NEW §30121, §30121.1 AND §30121.2, ALL OF CHAPTER 30, DIVISION 3, TITLE 5, GUAM CODE ANNOTATED.

Department/Agency Appropriation Information	
Dept./Agency Affected: Attorney General's Office	Dept./Agency Head: Leonardo Rapadas
Department's General Fund (GF) appropriation(s) to date:	10,818,165
Department's Other Fund (Specify) appropriation(s) to date:	-
Total Department/Agency Appropriation(s) to date:	\$10,818,165

Fund Source Information of Proposed Appropriation			
	General Fund:	(Specify Special Fund):	Total:
FY 2010 Unreserved Fund Balance ¹		\$0	\$0
FY 2011 Adopted Revenues	\$0	\$0	\$0
FY 2011 Appro. (P.L. 30-196)	\$0	\$0	\$0
Sub-total:	\$0	\$0	\$0
Less appropriation in Bill	\$0	\$0	\$0
Total:	\$0	\$0	\$0

Estimated Fiscal Impact of Bill						
	One Full Fiscal Year	For Remainder of FY 2011 (if applicable)	FY 2012	FY 2013	FY 2014	FY 2015
General Fund	\$0	\$0	\$0	\$0	\$0	\$0
(Specify Special Fund)	\$0	\$0	\$0	\$0	\$0	\$0
Total	\$0	\$0	\$0	\$0	\$0	\$0

- 1. Does the bill contain "revenue generating" provisions? // Yes /x/ No
If Yes, see attachment
- 2. Is amount appropriated adequate to fund the intent of the appropriation? /x/ N/A // Yes // No
If no, what is the additional amount required? \$ _____ // N/A
- 3. Does the Bill establish a new program/agency? // Yes /x/ No
If yes, will the program duplicate existing programs/agencies? // N/A // Yes /x/ No
Is there a federal mandate to establish the program/agency? // Yes /x/ No
- 4. Will the enactment of this Bill require new physical facilities? // Yes /x/ No
- 5. Was Fiscal Note coordinated with the affected dept/agency? If no, indicate reason: // Yes /x/ No
// Requested agency comments not received by due date // Other: _____

Analyst: M Quinata Date: 8/29/11 Director: John A. Rios, Acting BBMR Director Date: 8/29/11

Footnotes:
Bill 286-31 proposes to increase the Office of the Attorney General's autonomy in regard to its financial and personnel matters basically removing the Bureau of Budget and Management Research and the Department of Administration's review. The bill also proposes to create a separate fund to be maintained by DOA for the OAG's Office. The proposed amendments may require additional personnel to provide necessary review of financial and personnel documents. However, in its present form, the impact can not be determined at this time.



COMMITTEE ON RULES

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E-mail: nnyforguam@gmail.com • Tel: (671)472-7679 • Fax: (671)472-3547

Senator
Rory J. Respicio
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MAJORITY LEADER

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Adolpho B. Palacios, Sr.

Senator
vicente c. pangelinan

MINORITY MEMBERS:

Senator
Aline A. Yamashita
ASST. MINORITY LEADER

Senator
Christopher M. Duenas

August 12, 2011

MEMORANDUM

To: **Pat Santos**
Clerk of the Legislature

Attorney Therese M. Terlaje
Legislative Legal Counsel

From: **Senator Rory J. Respicio**

Subject: **Referral of Bill Nos. 286-31 (COR) and 287-31 (COR)**

As the Chairperson of the Committee on Rules, I am forwarding my referral of Bill Nos. 286-31 (COR) and 287-31 (COR).

Please ensure that the subject bills are referred, in my name, to the respective committee, as shown on the attachment. I also request that the same be forwarded to all members of *I Mina'trentai Unu na Liheslaturan Guåhan*.

Should you have any questions, please feel free to contact our office at 472-7679.

Si Yu'os Ma'åse!

(2) Attachment

2011 AUG 12 PM 3:31
[Signature]

I Mina'Trentai Unu Na Liheslaturan Guåhan

Bill Log Sheet

August 8, 2011

Page 1 of 1

Bill No.	Sponsor(s)	Title	Date Introduced	Date Referred	120 Day Deadline	Committee Referred	Public Hearing Date	Date Committee Report Filed	Status (Date) Passed? Failed? Vetoed? Overridden? Public Law?
286-31 (COR)	A.B. Palacios, Sr.	AN ACT RELATIVE TO GRANTING INCREASED AUTONOMY ON FINANCIAL AND PERSONNEL MATTERS TO THE OFFICE OF THE ELECTED ATTORNEY GENERAL, BY AMENDING §30109 AND §30118, AND BY ADDING A NEW §30121, §30121.1 AND §30121.2, ALL OF CHAPTER 30, DIVISION 3, TITLE 5, GUAM CODE ANNOTATED.	08/11/11 12:49 a.m.	8/12/11		Committee on Public Safety, Law Enforcement and Judiciary			

Subject: First Notice of Public Hearing scheduled for Sept. 27th
From: Priscilla Cruz (pris@senatorpalacios.com)
To: phnotice@guamlegislature.org; telo.taitague@guam.gov;
sabrina@kuam.com; jason@kuam.com; mindy@kuam.com; hottips@kuam.com; mvariety@pticom.com;
Cc: zytaitano@mvguam.com; news@guampdn.com; dmgeorge@guampdn.com; dcrisost@guampdn.com;
mpieper@guampdn.com; news@spbgum.com; clynt@spbgum.com; jtyquiengco@spbgum.com;
jontalk@k57.com; rgibson@k57.com; kstone@ite.net;
Date: Monday, September 19, 2011 10:26 AM

PRESS RELEASE

FIRST NOTICE OF PUBLIC HEARING
Tuesday, September 27, 2011 – 8:30 a.m.

FOR IMMEDIATE RELEASE
(Hagåtña, Guam – September 19, 2011)

In accordance with the Open Government Law, Public Law No. 24-109, relative to notice for public meetings, please be advised that the Committee on Public Safety, Law Enforcement and Judiciary will be conducting a public hearing starting at 8:30 a.m., Tuesday, September 27, 2011 at *I Liheslaturan Guåhan's Public Hearing Room* in *Hagåtña*, based on the following schedule:

8:30 a.m.:

- **Bill No. 237-31 (COR) – AN ACT ADD A NEW §70.45 TO CHAPTER 70 OF 9GCA RELATIVE TO BLACKLISTING. – by Senator V. Anthony Ada**

- **Bill No. 265-31 (COR) – AN ACT TO ADD A NEW SUBITEM (d) TO § 34105 AND TO AMEND § 34134, AND TO ADD A NEW § 34134.1, ALL OF 34 TITLE 5 GUAM CODE ANNOTATED, RELATIVE TO CHILD SUPPORT ALTERNATIVES IN THE EVENT OF THE DEATH OF A NON-CUSTODIAL PARENT. – by Senator R. J. Respicio**

- **Bill No. 266-31 (COR) – AN ACT TO ADD A NEW SUBSECTION § 34132.3 TO § 34132 OF TITLE 5 GUAM CODE ANNOTATED, CHAPTER 34, RELATIVE TO ESTABLISHING THAT NO STATUTE OF LIMITATIONS SHALL EXIST ON THE COLLECTION OF PAST DUE CHILD SUPPORT OBLIGATIONS. – by Senator R. J. Respicio**

- **Bill No. 269-31 (COR) – AN ACT TO REPEAL AND REENACT § 85.20 OF TITLE 8 OF THE GUAM CODE ANNOTATED RELATIVE TO THE PRELIMINARY EXAMINATION OF JURORS. – by Vice Speaker Benjamin J. F. Cruz**

1:30 p.m.:

- **Bill No. 270-31 (COR) – AN ACT TO ADD A NEW §77114(f) TO ARTICLE 1, CHAPTER 77, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO INCLUDING THE SUBJECT OF PERSONS WITH DISABILITIES, INCLUDING SPECIAL NEEDS AND MENTAL ILLNESS AS A COMPONENT WITHIN THE WRITTEN EXAMINATION FOR INDIVIDUALS APPLYING TO SERVE AS POLICE OFFICERS, AND TO FURTHER AMEND §77114(b) RELATIVE TO PHYSICAL STANDARDS REQUIREMENT FOR POLICE OFFICERS. – by Senator Adolpho B. Palacios, Sr.**

- **Bill No. 271-31 (COR)** – AN ACT TO ADD A NEW §77113.1(f) TO §77113 OF ARTICLE 1, CHAPTER 77, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO REQUIRING THAT NO PERSON BE APPOINTED TO THE RANKS OF POLICE SERGEANT AND POLICE LIEUTENANT WHO FAILS TO PASS A PHYSICAL AGILITY TEST AND WRITTEN EXAMINATION RELATIVE TO PERSONS WITH DISABILITIES, INCLUDING SPECIAL NEEDS AND MENTAL ILLNESS. – by Senator Adolpho B. Palacios, Sr.
- **Bill No. 284-31 (COR)** – AN ACT TO ADD A NEW SUBITEM (15) TO §75100(a) OF CHAPTER 75, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO THE DEFINITION OF LAW ENFORCEMENT PERSONNEL, EMPLOYEE, OR POSITION EXCLUDED FROM THE APPLICATION OF THE PROVISION OF “SAFE HARBOR”. – by Senator Chris Duenas
- **Bill No. 286-31 (COR)** – AN ACT RELATIVE TO GRANTING INCREASED AUTONOMY ON FINANCIAL AND PERSONNEL MATTERS TO THE OFFICE OF THE ELECTED ATTORNEY GENERAL, BY AMENDING §30109 AND §30118, AND BY ADDING A NEW §30121, §30121.1 AND §30121.2, ALL OF CHAPTER 30, DIVISION 3, TITLE 5, GUAM CODE ANNOTATED. – by Senator Adolpho B. Palacios, Sr.

Copies of the aforementioned Bills may be obtained thru Senator Palacios’ website at www.senatorpalacios.com. Testimonies should be addressed to Senator Adolpho B. Palacios, Sr., Chairperson, and will be accepted via hand delivery to our office, our mailbox at the main Legislature Building at 155 Hesler Place , Hagatna, Guam 96910, or via email to senator@senatorpalacios.com, or via facsimile to (671) 472-5022. Individuals requiring special accommodations or services, or for more information, please contact Julian Janssen or Jennifer Dulla at (671) 472-5047/5048.

###

Priscilla T. Cruz

Administrative Officer

Office of Senator A. B. Palacios, Sr.

155 Hesler Pl.

Hagatna, Guam 96910

472-5047/5048

Listserv: phnotice@guamlegislature.org

As of Oct. 17, 2011

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wilcastro671@gmail.com



COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY
I Mina Trentai Unu Na Liheslaturan Guåhan

SENATOR ADOLPHO B. PALACIOS, SR.
Chairman

PRESS RELEASE

FIRST NOTICE OF PUBLIC HEARING
Tuesday, September 27, 2011 – 8:30 a.m.

FOR IMMEDIATE RELEASE
(Hagatna, Guam – September 19, 2011)

In accordance with the Open Government Law, Public Law No. 24-109, relative to notice for public meetings, please be advised that the Committee on Public Safety, Law Enforcement and Judiciary will be conducting a public hearing starting at **8:30 a.m., Tuesday, September 27, 2011** at *Liheslaturan Guåhan's Public Hearing Room* in *Hagåtña*, based on the following schedule:

8:30 a.m.:

- **Bill No. 237-31 (COR) – AN ACT ADD A NEW §70.45 TO CHAPTER 70 OF 9GCA RELATIVE TO BLACKLISTING. – by Senator V. Anthony Ada**
- **Bill No. 265-31 (COR) – AN ACT TO ADD A NEW SUBITEM (d) TO § 34105 AND TO AMEND § 34134, AND TO ADD A NEW § 34134.1, ALL OF 34 TITLE 5 GUAM CODE ANNOTATED, RELATIVE TO CHILD SUPPORT ALTERNATIVES IN THE EVENT OF THE DEATH OF A NON-CUSTODIAL PARENT. – by Senator R. J. Respicio**
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COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY
I Mina'Trentai Unu Na Liheslaturan Guåhan

SENATOR ADOLPHO B. PALACIOS, SR.
Chairman

1:30 p.m. (cont'd):

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###

Destination	Start Time	Time	Prints	Result	Note
PDN	09-19 10:27	00:01:11	002/002	OK	
KJAM	09-19 10:29	00:00:56	002/002	OK	
PNC	09-19 10:30	00:00:38	002/002	OK	
KS7	09-19 10:31	00:00:32	002/002	OK	
HIT RADIO 100	09-19 10:32	00:00:33	002/002	OK	
KSTO	09-19 10:33	00:01:18	002/002	OK	
GLIMPSES	09-19 10:34	00:00:33	002/002	OK	
MARIANAS VARIETY	09-19 10:35	00:00:33	002/002	OK	
KSTEREO/KISH	09-19 10:37	00:01:18	002/002	OK	
JOY 92 FM	09-19 10:38	00:00:32	002/002	OK	
KPRG	09-19 10:43	00:00:56	000/002	No Ans	

Note TMR: Timer TX, POL: Polling, ORG: Original Size Setting, FME: Frame Erase TX,
MIX: Mixed Original TX, CALL: Manual TX, CSRC: CSRC, FWD: Forward, PC: PC-Fax,
BND: Double-Sided Binding Direction, SP: Special orignal, FCODE: F-code, RTX: Re-TX,
RLY: Relay, WBR: Confidential, BUL: Bulletin, SIP: SIP Fax, IPADR: IP Address Fax,
I-FAX: Internet Fax

Result OK: Communication OK, S-OK: Stop Communication, PW-OFF: Power Switch OFF,
TEL: RX from TEL, NG: Other Error, Cont: Continue, No Ans: No Answer,
Refuse: Receipt Refused, Busy: Busy, M-Full: Memory Full,
LOVR: Receiving length Over, POWER: Receiving page Over, FIL: File Error,
DC: Decode Error, MDN: MDN Response Error, DSN: DSN Response Error.



COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY
I Mina Trental Unu Na Liheslaturan Guahan

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Chairman

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 - **Bill No. 269-31 (COR) – AN ACT TO REPEAL AND REENACT § 85.20 OF TITLE 8 OF THE GUAM CODE ANNOTATED RELATIVE TO THE PRELIMINARY EXAMINATION OF JURORS. – by Vice Speaker Benjamin J. P. Cruz**
- 1:30 p.m.:**
- **Bill No. 270-31 (COR) – AN ACT TO ADD A NEW §77114(f) TO ARTICLE 1, CHAPTER 77, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO INCLUDING THE SUBJECT OF PERSONS WITH DISABILITIES, INCLUDING SPECIAL NEEDS AND MENTAL ILLNESS AS A COMPONENT WITHIN THE WRITTEN EXAMINATION FOR INDIVIDUALS APPLYING TO SERVE AS POLICE OFFICERS, AND TO FURTHER AMEND §77114(b) RELATIVE TO PHYSICAL STANDARDS REQUIREMENT FOR POLICE OFFICERS. – by Senator Adolpho B. Palacios, Sr.**

Subject: First Notice of Public Hearing scheduled for Sept. 27th.

From: Priscilla Cruz (pris@senatorpalacios.com)

To: phnotice@guamlegislature.org; telo.taitague@guam.gov;
sabrina@kuam.com; jason@kuam.com; mindy@kuam.com; hottips@kuam.com; news@guampdn.com;
mpieper@guampdn.com; dmgeorge@guampdn.com; egthompson@guampdn.com;

Cc: mvariety@pticom.com; therese@mvguam.com; zita@mvguam.com; news@spbguam.com;
clynt@spbguam.com; jtyquiengco@spbguam.com; news@k57.com; jontalk@k57.com;
rgibson@k57.com; kstone@ite.net;

Date: Tuesday, September 20, 2011 2:45 PM

PRESS RELEASE

FIRST NOTICE OF PUBLIC HEARING Tuesday, September 27, 2011 – 8:30 a.m.

FOR IMMEDIATE RELEASE

(Hagåtña, Guam – September 20, 2011)

In accordance with the Open Government Law, Public Law No. 24-109, relative to notice for public meetings, please be advised that the Committee on Public Safety, Law Enforcement and Judiciary will be conducting a public hearing starting at **8:30 a.m., Tuesday, September 27, 2011** at *I Liheslaturan Guåhan's Public Hearing Room* in *Hagåtña*, based on the following schedule:

8:30 a.m.:

- **Bill No. 237-31 (COR) – AN ACT ADD A NEW §70.45 TO CHAPTER 70 OF 9GCA RELATIVE TO BLACKLISTING. – by Senator V. Anthony Ada**

- **Bill No. 265-31 (COR) – AN ACT TO ADD A NEW SUBITEM (d) TO § 34105 AND TO AMEND § 34134, AND TO ADD A NEW § 34134.1, ALL OF 34 TITLE 5 GUAM CODE ANNOTATED, RELATIVE TO CHILD SUPPORT ALTERNATIVES IN THE EVENT OF THE DEATH OF A NON-CUSTODIAL PARENT. – by Senator R. J. Respicio**

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1:30 p.m.:

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DISABILITIES, INCLUDING SPECIAL NEEDS AND MENTAL ILLNESS AS A COMPONENT WITHIN THE WRITTEN EXAMINATION FOR INDIVIDUALS APPLYING TO SERVE AS POLICE OFFICERS, AND TO FURTHER AMEND §77114(b) RELATIVE TO PHYSICAL STANDARDS REQUIREMENT FOR POLICE OFFICERS. – by Senator Adolpho B. Palacios, Sr.

• **Bill No. 271-31 (COR) – AN ACT TO ADD A NEW §77113.1(f) TO §77113 OF ARTICLE 1, CHAPTER 77, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO REQUIRING THAT NO PERSON BE APPOINTED TO THE RANKS OF POLICE SERGEANT AND POLICE LIEUTENANT WHO FAILS TO PASS A PHYSICAL AGILITY TEST AND WRITTEN EXAMINATION RELATIVE TO PERSONS WITH DISABILITIES, INCLUDING SPECIAL NEEDS AND MENTAL ILLNESS. – by Senator Adolpho B. Palacios, Sr.**

• **Bill No. 284-31 (COR) – AN ACT TO ADD A NEW SUBITEM (15) TO §75100(a) OF CHAPTER 75, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO THE DEFINITION OF LAW ENFORCEMENT PERSONNEL, EMPLOYEE, OR POSITION EXCLUDED FROM THE APPLICATION OF THE PROVISION OF “SAFE HARBOR”. – by Senator Chris Duenas**

• **Bill No. 286-31 (COR) – AN ACT RELATIVE TO GRANTING INCREASED AUTONOMY ON FINANCIAL AND PERSONNEL MATTERS TO THE OFFICE OF THE ELECTED ATTORNEY GENERAL, BY AMENDING §30109 AND §30118, AND BY ADDING A NEW §30121, §30121.1 AND §30121.2, ALL OF CHAPTER 30, DIVISION 3, TITLE 5, GUAM CODE ANNOTATED. – by Senator Adolpho B. Palacios, Sr.**

Copies of the aforementioned Bills may be obtained thru Senator Palacios’ website at www.senatorpalacios.com. Testimonies should be addressed to Senator Adolpho B. Palacios, Sr., Chairperson, and will be accepted via hand delivery to our office, our mailbox at the main Legislature Building at 155 Hesler Place , Hagatna, Guam 96910, or via email to senator@senatorpalacios.com, or via facsimile to (671) 472-5022. Individuals requiring special accommodations or services, or for more information, please contact Julian Janssen or Jennifer Dulla at (671) 472-5047/5048.

###

Priscilla T. Cruz

Administrative Officer
Office of Senator A. B. Palacios, Sr.
155 Hesler Pl.
Hagatna, Guam 96910
472-5047/5048



COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY
I Mina'Trentai Unu Na Liheslaturan Guåhan

SENATOR ADOLPHO B. PALACIOS, SR.
Chairman

PRESS RELEASE

SECOND NOTICE OF PUBLIC HEARING
Tuesday, September 27, 2011 – 8:30 a.m.

FOR IMMEDIATE RELEASE
(Hagatna, Guam – September 23, 2011)

In accordance with the Open Government Law, Public Law No. 24-109, relative to notice for public meetings, please be advised that the Committee on Public Safety, Law Enforcement and Judiciary will be conducting a public hearing starting at **8:30 a.m., Tuesday, September 27, 2011** at *Liheslaturan Guåhan's Public Hearing Room* in *Hagåtña*, based on the following schedule:

8:30 a.m.:

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1:30 p.m.:

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COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY
I Mina'Trentai Unu Na Liheslaturan Guåhan

SENATOR ADOLPHO B. PALACIOS, SR.
Chairman

1:30 p.m. (cont'd):

- **Bill No. 271-31 (COR)** – AN ACT TO ADD A NEW §77113.1(f) TO §77113 OF ARTICLE 1, CHAPTER 77, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO **REQUIRING THAT NO PERSON BE APPOINTED TO THE RANKS OF POLICE SERGEANT AND POLICE LIEUTENANT WHO FAILS TO PASS A PHYSICAL AGILITY TEST AND WRITTEN EXAMINATION RELATIVE TO PERSONS WITH DISABILITIES, INCLUDING SPECIAL NEEDS AND MENTAL ILLNESS.** – by Senator Adolpho B. Palacios, Sr.
- **Bill No. 284-31 (COR)** – AN ACT TO ADD A NEW SUBITEM (15) TO §75100(a) OF CHAPTER 75, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO THE **DEFINITION OF LAW ENFORCEMENT PERSONNEL, EMPLOYEE, OR POSITION EXCLUDED FROM THE APPLICATION OF THE PROVISION OF "SAFE HARBOR".** – by Senator Chris Duenas
- **Bill No. 286-31 (COR)** – AN ACT RELATIVE TO **GRANTING INCREASED AUTONOMY ON FINANCIAL AND PERSONNEL MATTERS TO THE OFFICE OF THE ELECTED ATTORNEY GENERAL, BY AMENDING §30109 AND §30118, AND BY ADDING A NEW §30121, §30121.1 AND §30121.2, ALL OF CHAPTER 30, DIVISION 3, TITLE 5, GUAM CODE ANNOTATED.** – by Senator Adolpho B. Palacios, Sr.

Copies of the aforementioned Bills may be obtained thru Senator Palacios' website at www.senatorpalacios.com. Testimonies should be addressed to Senator Adolpho B. Palacios, Sr., Chairperson, and will be accepted via hand delivery to our office, our mailbox at the main Legislature Building at 155 Hesler Place, Hagatna, Guam 96910, or via email to senator@senatorpalacios.com, or via facsimile to (671) 472-5022. Individuals requiring special accommodations or services, or for more information, please contact Julian Janssen or Jennifer Dulla at (671) 472-5047/5048.

###

Subject: Second Notice of Public Hearing scheduled for Sept. 27th.

From: Priscilla Cruz (pris@senatorpalacios.com)

To: phnotice@guamlegislature.org; telo.taitague@guam.gov; troy.torres@guam.gov;
communication@guam.gov;

Cc: sabrina@kuam.com; jason@kuam.com; mindy@kuam.com; nick@kuam.com; nick.delgado@kuam.com;
clynt@spbgum.com; jtyquiengco@spbgum.com; kevin@spbgum.com; news@guampdn.com;
rlimtiaco@guampdn.com; slimtiaco@guampdn.com; egthompson@guampdn.com;
dcrisost@guampdn.com; dmgeorge@guampdn.com; mpieper@guampdn.com; life@guampdn.com;
amier@mvguam.com; zytaitano@mvguam.com; therese.hart.writer@gmail.com; editor@mvguam.com;
mabuhaynews@yahoo.com; publisher@glimpsesofguam.com; managingeditor@glimpsesofguam.com;
kstonews@ite.net; ksto@ite.net; kstokish@gmail.com; rgibson@k57.com; parroyo@k57.com;
tcoffman@k57.com; thebigshow@k57.com; news@k57.com; ricknauta@hitradio100.com;

Date: Friday, September 23, 2011 10:32 AM

PRESS RELEASE

SECOND NOTICE OF PUBLIC HEARING

Tuesday, September 27, 2011 – 8:30 a.m.

FOR IMMEDIATE RELEASE

(Hagåtña, Guam – September 23, 2011)

In accordance with the Open Government Law, Public Law No. 24-109, relative to notice for public meetings, please be advised that the Committee on Public Safety, Law Enforcement and Judiciary will be conducting a public hearing starting at 8:30 a.m., Tuesday, September 27, 2011 at *I Liheslaturan Guåhan's Public Hearing Room* in *Hagåtña*, based on the following schedule:

8:30 a.m.:

- **Bill No. 237-31 (COR) – AN ACT ADD A NEW §70.45 TO CHAPTER 70 OF 9GCA RELATIVE TO BLACKLISTING. – by Senator V. Anthony Ada**
- **Bill No. 265-31 (COR) – AN ACT TO ADD A NEW SUBITEM (d) TO § 34105 AND TO AMEND § 34134, AND TO ADD A NEW § 34134.1, ALL OF 34 TITLE 5 GUAM CODE ANNOTATED, RELATIVE TO CHILD SUPPORT ALTERNATIVES IN THE ENVENT OF THE DEATH OF A NON-CUSTODIAL PARENT. – by Senator R. J. Respicio**
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1:30 p.m.:

- **Bill No. 270-31 (COR) – AN ACT TO ADD A NEW §77114(f) TO ARTICLE 1, CHAPTER 77, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO INCLUDING THE SUBJECT OF PERSONS WITH DISABILITIES, INCLUDING SPECIAL NEEDS AND MENTAL ILLNESS AS A COMPONENT WITHIN THE WRITTEN EXAMINATION FOR INDIVIDUALS APPLYING TO SERVE AS POLICE OFFICERS, AND TO FURTHER AMEND §77114(b) RELATIVE TO PHYSICAL STANDARDS REQUIREMENT FOR POLICE OFFICERS. – by Senator Adolpho B. Palacios, Sr.**

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- **Bill No. 284-31 (COR) – AN ACT TO ADD A NEW SUBITEM (15) TO §75100(a) OF CHAPTER 75, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO THE DEFINITION OF LAW ENFORCEMENT PERSONNEL, EMPLOYEE, OR POSITION EXCLUDED FROM THE APPLICATION OF THE PROVISION OF “SAFE HARBOR”. – by Senator Chris Duenas**

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###

Priscilla T. Cruz

Administrative Officer
Office of Senator A. B. Palacios, Sr.
155 Hesler Pl.
Hagatna, Guam 96910
472-5047/5048

Destination	Start Time	Time	Prints	Result	Note
PDN	09-23 11:10	00:01:16	002/002	OK	
KJAM	09-23 11:11	00:00:41	002/002	OK	
PNC	09-23 11:12	00:00:36	002/002	OK	
K57	09-23 11:13	00:00:31	002/002	OK	
HIT RADIO 100	09-23 11:15	00:00:33	002/002	OK	
KSTO	09-23 11:16	00:01:16	002/002	OK	
GLIMPSES	09-23 11:18	00:00:33	002/002	OK	
MARIANAS VARIETY	09-23 11:20	00:00:32	002/002	OK	
KSTEREO/KISH	09-23 11:21	00:01:35	002/002	OK	
JOY 92 FM	09-23 11:23	00:00:40	002/002	OK	
KPRG	09-23 11:27	00:00:56	000/002	No Ans	

Note TMR: Timer TX, POL: Polling, ORG: Original Size Setting, FME: Frame Erase TX,
MIX: Mixed Original TX, CALL: Manual TX, CSRC: CSRC, FWD: Forward, PC: PC-Fax,
BND: Double-Sided Binding Direction, SP: Special original, FCODE: F-code, RTX: Re-TX,
RLV: Relay, MBX: Confidential, BUL: Bulletin, SIP: SIP Fax, IPADR: IP Address Fax,
I-FAX: Internet Fax

Result OK: Communication OK, S-OK: Stop Communication, PW-OFF: Power Switch OFF,
TEL: RX from TEL, NG: Other Error, Cont: Continue, No Ans: No Answer,
Refuse: Receipt Refused, Busy: Busy, M-Full: Memory Full,
LOVR: Receiving length Over, POVER: Receiving page Over, FIL: File Error,
DC: Decode Error, MDN: MDN Response Error, DSN: DSN Response Error.



COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY
I Mina Trentai Unu Na Liheslaturan Guåhan

SENATOR ADOLPHO B. PALACIOS, SR.
Chairman

PRESS RELEASE

SECOND NOTICE OF PUBLIC HEARING
Tuesday, September 27, 2011 - 8:30 a.m.

FOR IMMEDIATE RELEASE
(Hagåtña, Guam - September 23, 2011)

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- 8:30 a.m.:**
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 - **Bill No. 265-31 (COR)** – AN ACT TO ADD A NEW SUBITEM (d) TO § 34105 AND TO AMEND § 34134, AND TO ADD A NEW § 34134.1, ALL OF 34 TITLE 5 GUAM CODE ANNOTATED, RELATIVE TO CHILD SUPPORT ALTERNATIVES IN THE EVENT OF THE DEATH OF A NON-CUSTODIAL PARENT. – by Senator R. J. Respicio
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COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY
I Mina'Trentai Uno Na Liheslaturan Guåhan

SENATOR ADOLPHO B. PALACIOS, SR.
Chairman

PUBLIC HEARING

Tuesday, September 27, 2011

I Liheslaturan Guåhan's Public Hearing Room, Hagatña

AGENDA

- I. Call to Order
- II. Opening Remarks/Announcements
- III. Items for Discussion:

8:30 a.m.:

- **Bill No. 237-31 (COR)** – AN ACT ADD A NEW §70.45 TO CHAPTER 70 OF 9CCA RELATIVE TO BLACKLISTING. – by Senator V. Anthony Ada
- **Bill No. 265-31 (COR)** – AN ACT TO ADD A NEW SUBITEM (d) TO § 34105 AND TO AMEND § 34134, AND TO ADD A NEW § 34134.1, ALL OF 34 TITLE 5 GUAM CODE ANNOTATED, RELATIVE TO CHILD SUPPORT ALTERNATIVES IN THE ENVENT OF THE DEATH OF A NON-CUSTODIAL PARENT. – by Senator R. J. Respicio
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1:30 p.m. (cont'd):

Office/Mailing Address: 155 Hesler Place, Hagatña, Guam 96910
Telephone No. (671) 472-5047/5048 • Fax No. (671) 472-5022
Email: SenABPalacios@gmail.com • Website: www.senatorpalacios.com

- **Bill No. 284-31 (COR) – AN ACT TO ADD A NEW SUBITEM (15) TO §75100(a) OF CHAPTER 75, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO THE DEFINITION OF LAW ENFORCEMENT PERSONNEL, EMPLOYEE, OR POSITION EXCLUDED FROM THE APPLICATION OF THE PROVISION OF “SAFE HARBOR”. – by Senator Chris Duenas**
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IV. Closing Remarks

V. Adjournment



UPDATE: Committee on Public Safety, Law Enforcement, and Judiciary public hearing on Tuesday

The Committee on Public Safety, Law Enforcement and Judiciary will be conducting a public hearing starting at 8:30 a.m., Tuesday, September 27, 2011 at I Liheslaturan Guåhan's Public Hearing Room, according to a statement from the group.

The schedule is as follows:

8:30 a.m.:

- Bill No. 237-31 (COR) – AN ACT ADD A NEW §70.45 TO CHAPTER 70 OF 9GCA RELATIVE TO BLACKLISTING. – by Senator V. Anthony Ada

- Bill No. 265-31 (COR) – AN ACT TO ADD A NEW SUBITEM (d) TO § 34105 AND TO AMEND § 34134, AND TO ADD A NEW § 34134.1, ALL OF 34 TITLE 5 GUAM CODE ANNOTATED, RELATIVE TO CHILD SUPPORT ALTERNATIVES IN THE EVENT OF THE DEATH OF A NON-CUSTODIAL PARENT. – by Senator R. J. Respicio

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• Bill No. 271-31 (COR) – AN ACT TO ADD A NEW §77113.1(f) TO §77113 OF ARTICLE 1, CHAPTER 77, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO REQUIRING THAT NO PERSON BE APPOINTED TO THE RANKS OF POLICE SERGEANT AND POLICE LIEUTENANT WHO FAILS TO PASS A PHYSICAL AGILITY TEST AND WRITTEN EXAMINATION RELATIVE TO PERSONS WITH DISABILITIES, INCLUDING SPECIAL NEEDS AND MENTAL ILLNESS. – by Senator Adolpho B. Palacios, Sr.

• Bill No. 284-31 (COR) – AN ACT TO ADD A NEW SUBITEM (15) TO §75100(a) OF CHAPTER 75, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO THE DEFINITION OF LAW ENFORCEMENT PERSONNEL, EMPLOYEE, OR POSITION EXCLUDED FROM THE APPLICATION OF THE PROVISION OF “SAFE HARBOR”. – by Senator Chris Duenas

• Bill No. 286-31 (COR) – AN ACT RELATIVE TO GRANTING INCREASED AUTONOMY ON FINANCIAL AND PERSONNEL MATTERS TO THE OFFICE OF THE ELECTED ATTORNEY GENERAL, BY AMENDING §30109 AND §30118, AND BY ADDING A NEW §30121, §30121.1 AND §30121.2, ALL OF CHAPTER 30, DIVISION 3, TITLE 5, GUAM CODE ANNOTATED. – by Senator Adolpho B. Palacios, Sr.

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I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN
2011 (FIRST) Regular Session

Bill No. 286-31COR

Introduced by:

Adolpho B. Palacios, Sr. 

**AN ACT RELATIVE TO GRANTING INCREASED
AUTONOMY ON FINANCIAL AND PERSONNEL
MATTERS TO THE OFFICE OF THE ELECTED
ATTORNEY GENERAL, BY AMENDING §30109 AND
§30118, AND BY ADDING A NEW §30121, §30121.1
AND §30121.2, ALL OF CHAPTER 30, DIVISION 3,
TITLE 5, GUAM CODE ANNOTATED.**

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan*
3 finds that the people of Guam first elected an Attorney General for the
4 government of Guam in 2002. The election of the position of the Attorney
5 General provides for more independence of that office from *I Maga'lahi* and
6 *I Liheslatura*, which is appropriate for the wide-ranging duties of the
7 Attorney General as the chief legal officer of the government of Guam.

8 *I Liheslatura* further finds that the Office of the Attorney General
9 experiences difficulties with government bureaucracy, specifically
10 concerning personnel recruitment and the release of funds appropriated to
11 the Office. These problems have diminished the ability of the Office of the
12 Attorney General to effectively and efficiently execute its responsibilities as
13 the government of Guam's chief legal representative.

14 *I Liheslaturan Guåhan* finds that the Public Defender Service
15 Corporation (PDSC), as provided in Title 12, Guam Code Annotated, is

1 authorized to administer its budgetary resources and matters pertaining to
2 personnel. This level of autonomy allows for the PDSC to efficiently
3 manage its financial resources and to recruit in a timely manner, and retain
4 personnel critical to supporting the mandates of the PDSC.

5 *I Liheslaturan Guåhan* further finds that it is manifestly in the interest
6 of the people of Guam that the Attorney General shall have more autonomy
7 over the operations of the agency in which he heads. It is only appropriate
8 that the Attorney General have more control over the administration of the
9 Office’s budgetary resources and the management of its personnel, including
10 the recruitment, hiring and retention process. This will only enhance its
11 independence and its credibility in the rendering of legal opinions, carrying
12 out its prosecutorial responsibilities and performing the other duties of the
13 Office.

14 Therefore, it is the intent of *I Liheslaturan Guåhan* to amend and add
15 provisions in Title 5, Guam Code Annotated, which grant the Office of the
16 Attorney General a level of autonomy similar to the PDSC relative to the
17 recruitment, hiring and retention of agency personnel, and the proper
18 administration of its financial matters.

19 **Section 2. Duties of the Attorney General.** Section 30109 of
20 Chapter 30, Division 3, Title 5, Guam Code Annotated, is hereby *amended*.

21 **“§30109. Duties.**

22 The Attorney General is the public prosecutor and, by himself,
23 a deputy or assistant, shall:

- 24 (a) Conduct on behalf of the Government of Guam the
25 prosecution of all offenses against the laws of Guam which
26 are prosecuted in any of the courts of Guam, the District
27 Court of Guam, and any appeals therefrom.

- 1 (b) Draw all informations, conduct grand jury proceedings,
2 prosecute all recognizances forfeited in the courts and all
3 actions for the recovery of debts, fines, penalties and
4 forfeitures accruing to the government of Guam, except as
5 otherwise provided in this Act;
- 6 (c) Conduct on behalf of the government of Guam all civil
7 actions in which the government is an interested party;
8 provided that those branches, departments or agencies which
9 are authorized to employ their own legal counsel may use
10 them instead of the Attorney General.
- 11 (d) Deliver receipts of money or property received by him in his
12 official capacity and file duplicates thereof with the Director
13 of Administration;
- 14 (e) As soon as practical after the receipt of any money in his
15 official capacity, turn the money over to the Director of
16 Revenue and Taxation, and on the first Monday of each
17 month file with the Director of Administration, an account,
18 verified by his oath, of all monies received by him in his
19 official capacity for the government of Guam during the
20 preceding month;
- 21 (f) Be diligent in protecting the rights and properties of the
22 government of Guam;
- 23 (g) Institute by any appropriate action proceedings on behalf of
24 himself or any other public officers (not an employee) to
25 have determined by the courts the validity of any law, rule
26 or regulation of the government of Guam; ~~and~~
- 27 (h) Prepare and submit annual budgets for approval by I

1 *Liheslaturan Guåhan.*

- 2 (i) Administer federal funds/programs on behalf of the Office
3 of the Attorney General.
- 4 (j) Serve as the Office of the Attorney General’s approving
5 authority for the expenditure of funds.
- 6 (k) Serve as the Office of the Attorney General’s appointing
7 authority for all personnel employed at the Office of the
8 Attorney General, hiring employees from an established list
9 of qualified applicants in accordance with established
10 criteria and assigning, detailing, and transferring employees
11 as the Attorney General deems necessary for the effective
12 operation of the Office of the Attorney General; and
- 13 (l) Perform such other duties as are required by law.”

14 **Section 3. Budget and Financial Matters of the Attorney**
15 **General’s Office.** Section 30118 of Chapter 30, Division 3, Title 5, Guam
16 Code Annotated, is hereby *amended*.

17 **“§30118. Budget and Financial Matters.**

18 The Office of the elected Attorney General shall receive an
19 annual budget pursuant to appropriation by *I Liheslaturan Guåhan*,
20 which ~~shall be disbursed to the Office in twelve (12), equal monthly~~
21 ~~installments.~~ The budget of the elected Attorney General is *not*
22 subject to the allotment process or the control of the Bureau of Budget
23 and Management Research, nor shall *I Maga’lahen Guåhan* impound
24 or transfer funds appropriated to the elected Attorney General. The
25 Office of the elected Attorney General shall receive from the
26 Department of Administration, or its successor, an amount no less
27 than one twelfth (1/12) of its budget on the first day of every month of

1 the fiscal year until such budget has been exhausted. ~~On~~ In a month
2 ~~where~~ in which more than two (2) pay periods shall occur, the
3 Department of Administration shall release such funds required for
4 the purpose of meeting the operational needs of the Office of the
5 elected Attorney General for that month, provided a sufficient balance
6 of the appropriation remains.

7 **§30118.1. Fiscal Authority Accounting; Expenditures.**

8 (a) The Office of the Attorney General shall be responsible for
9 the conduct of operational matters addressing its financial
10 activities, in accordance with and consistent with the
11 provisions contained herein.

12 (b) The Department of Administration shall establish, for the
13 benefit of the Office of the Attorney General, a fund to be
14 known as the “Office of the Attorney General Operations
15 Fund”, hereafter referred to as the “Fund”, which shall be
16 maintained by the general administrative services of the
17 Department of Administration separate and apart from other
18 funds of the government of Guam, and independent records
19 and accounts shall be maintained in connection therewith.
20 Financial Statements, entailing the revenues generated and
21 expenses incurred, of the Fund shall be furnished to I
22 Liheslaturan Guåhan quarterly, or as otherwise required by
23 law.

24 (c) All monies, excepting monies required by law to be
25 deposited in a special fund, received by the Office of the
26 Attorney General, from whatever source derived, shall be
27 deposited into the Fund bank account in an eligible bank as

1 defined in 5GCA §21112, which is procured by the
2 Department of Administration.

3 (d) All expenditures from the Fund shall be made by the
4 Department of Administration at the direction of the Office
5 of the Attorney General.

6 (e) The Department of Administration shall adopt a uniform
7 system of accounting, consistent with other government of
8 Guam requirements, for the Fund and special funds of the
9 Office of Attorney General.”

10 **Section 4. Administration of Personnel Matters by the Office of**
11 **the Elected Attorney General of Guam.** A new §30121, §30121.1 and
12 §30121.2 are hereby *added* to Chapter 30, Division 3, Title 5, Guam Code
13 Annotated.

14 **“§30121. Administration of General Personnel Matters.**

15 The Office of the Attorney General shall be responsible for the
16 conduct of operational matters addressing its personnel activities, in
17 accordance with and consistent with the provisions contained herein.

18 **§30121.1. Administration of Personnel.**

19 The Attorney General of Guam is authorized to hire and appoint
20 such personnel, and to fix their duties and responsibilities under and in
21 accordance with 4GCA, as may be necessary for the purposes of this
22 Chapter.

23 **§30121.2. Employment.**

24 (a) Pursuant to the provisions of 4GCA §4105, the Attorney
25 General may establish rules and regulations governing
26 selection, promotion, performance evaluation, demotion,
27 suspension and other disciplinary action for the employees

1 of the Office of the Attorney General. Until such time as the
2 Office of the Attorney General adopts its own rules and
3 regulations as provided herein, the rules and regulations
4 adopted by the Department of Administration shall continue
5 to apply to the Office of the Attorney General.

6 (b) Employees of the Office of the Attorney General shall
7 continue to be members of the government of Guam
8 Retirement Fund, subject to the provisions of 4GCA §8105.
9 The Office of the Attorney General shall contribute to the
10 government of Guam Retirement Fund on the basis of
11 annual billings as determined by *I Liheslaturan Guåhan* or
12 the government of Guam Retirement Fund, for the
13 government share of the cost of the retirement benefits
14 applicable to the Office of the Attorney General employees
15 and their beneficiaries. The Office of the Attorney General
16 shall also contribute to the Workmen’s Compensation Fund,
17 on the basis of annual billings as determined by the
18 Workmen’s Compensation Commissioner, for the benefit
19 payments made from the Workmen’s Compensation Fund
20 on account of the Office of the Attorney General’s
21 employees.”

22 **Section 5. Effective Date.** The provisions contained herein shall be
23 effective following enactment.

24 **Section 6. Severability.** If any provision of this Act or its
25 application to any person or circumstance is found to be invalid or contrary
26 to law, such invalidity shall not affect other provisions or applications of this

- 1 Act which can be given effect without the invalid provisions or application,
- 2 and to this end the provisions of this Act are severable.