










MINA BENTE' OCHO NA LIHESLATURAN GUÅHAN
2005 (FIRST) Regular Session

Bill No. 99(EC)
Introduced by:

Ray Tenorio 
Mark Forbes 
E. J.B. Calvo
A. B. Palacios 
L. F. Kasperbauer 
A. R. Unpingco 
M. Cruz 
B. J.F. Cruz
J. M.S. Brown 
R. Klitzkie 
J. A. Lujan 

**AN ACT TO EXTEND THE EMERGENCY DECLARATION
ISSUED BY I MAGA'LAHEN GUÅHAN AS CONTAINED IN
EXECUTIVE ORDER 2005-04 RELATIVE TO THE RENTAL
OF OFFICE SPACE FOR THE OFFICE OF THE ATTORNEY
GENERAL.**

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 **Section 1.** Notwithstanding the provisions in Chapter 5,
3 Division 1 of Title 5 of the Guam Code Annotated, the Guam
4 Procurement Law, the Office of the Attorney General is hereby
5 authorized to expend monies transferred pursuant to Executive
6 Order 2005-04, on an emergency procurement basis, issued by I
7 Maga'Lahen Guåhan, for lease of office space and related expenses
8 until September 30, 2005, and may negotiate and enter into an
9 extension of its current lease agreement for its current office space.



Office of the Governor of Guam

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Felix Perez Camacho
Governor

Kaleo Scott Moylan
Lieutenant Governor

Senator Edward J-B. Calvo
SECRETARY OF THE LEGISLATURE
ACKNOWLEDGEMENT RECEIPT
Rco'd by: [Signature]
Print Name & Initial
Time: 1:20 Date: 4/12-05

Office of the Speaker
MARK FORBES
Date: 04/08/05
Time: 5:02 PM
Rec'd by: [Signature]
Print Name: [Signature]
28-05-021

The Honorable Mark Forbes
Speaker
I Mina' Bente Ocho Na Liheslaturan Guåhan
155 Hessler Street
Hagåtña, Guam 96910

08 APR 2005

Dear Mr. Speaker:

Transmitted herewith is Bill No. 99 (EC), "AN ACT TO EXTEND THE EMERGENCY DECLARATION ISSUED BY I MAGA'LAHEN GUÅHAN AS CONTAINED IN EXECUTIVE ORDER 2005-04, RELATIVE TO THE RENTAL OF OFFICE SPACE FOR THE OFFICE OF THE ATTORNEY GENERAL, TO RESOLVE ISSUES REGARDING THE EXISTING MONTH TO MONTH TENANCY AND TO REQUIRE THE ATTORNEY GENERAL TO ENTER INTO A LEASE FOR OFFICE SPACE PURSUANT TO THE GUAM PROCUREMENT LAW," which I have vetoed.

I applaud I Mina' Bente Ocho Na Liheslaturan Guåhan most especially Senator Ray Tenorio in their efforts to assist the Office of the Attorney General of Guam. Bill No. 99 extends the period to spend funds transferred pursuant to an emergency declaration for emergency procurement related to the rental of office space. It also permits the Attorney General to occupy Pedro's Plaza for another sixty (60) days while he issues an invitation to bid for office space.

Although I agree with I Mina' Bente Ocho Na Liheslaturan Guåhan's intent to help the Attorney General, there are alarming provisions in Bill 99 that have compelled me to veto the measure.

Section 6 of Bill 99 directs I Maga'lahaen Guåhan to accept a past transaction as a gift. First, the authority given to I Maga'lahaen Guåhan to accept gifts is solely discretionary. I Mina' Bente Ocho Na Liheslaturan Guåhan should not and is without authority to compel I Maga'lahaen Guåhan to perform a purely gubernatorial function. Doing so is an egregious affront to the constitutional doctrine of separation of powers.

What is also alarming is that this legislation purports to correct an allegedly illegal transaction. I steadfastly oppose remedial legislation of this sort.

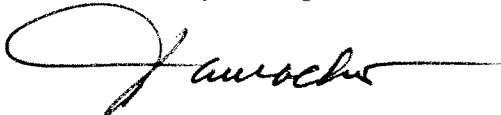
I am also concerned with Section 5 which allows the Office of the Attorney General to immediately issue an Invitation to Bid pursuant to the Guam Procurement Law for the procurement of office space without an appropriation. In order to issue an invitation to bid, funds must be identified for such purpose. Although the Attorney General's office has lapsed funds, it is purportedly earmarked for the future hire of attorneys. Bill 99 may not adequately afford the Attorney General the necessary tools to efficiently and continuously operate.

Let us also be mindful of other government agencies that are being displaced. These include Department of Revenue and Taxation, Department of Corrections, DISID, and the Guam Museum. Their mandates are vital to government operations. Without office space, these essential services provided to our people would be impeded.

Rather than passing legislation that services one of our agencies let us enact law that encompasses everyone similarly situated. It is my understanding that Pedro's Plaza has sufficient space to house the Office of the Attorney General and other agencies.

Although I vetoed Bill 99 as is, there would be nothing to preclude the enactment of a future bill that addresses all the concerns described above. I humbly implore *I Mina' Bente Ocho Na Liheslaturan Guåhan* to take this opportunity to assist our displaced government of Guam agencies and departments.

Sinseru yan Magåhet,



FELIX P. CAMACHO

I Maga'låhen Guåhan
Governor of Guam

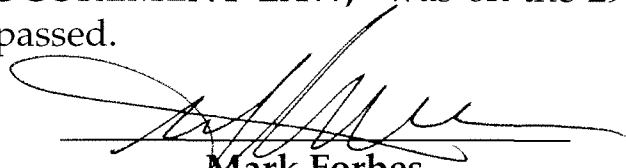
Attachment: original vetoed bill

cc: The Honorable Eddie Baza Calvo
Senator and Legislative Secretary

I MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN
2005 (FIRST) Regular Session


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

This is to certify that **Substitute Bill No. 99 (EC), "AN ACT TO EXTEND THE EMERGENCY DECLARATION ISSUED BY I MAGA'LAHEN GUÅHAN AS CONTAINED IN EXECUTIVE ORDER 2005-04, RELATIVE TO THE RENTAL OF OFFICE SPACE FOR THE OFFICE OF THE ATTORNEY GENERAL, TO RESOLVE ISSUES REGARDING THE EXISTING MONTH TO MONTH TENANCY AND TO REQUIRE THE ATTORNEY GENERAL TO ENTER INTO A LEASE FOR OFFICE SPACE PURSUANT TO THE GUAM PROCUREMENT LAW,"** was on the 29th day of March, 2005, duly and regularly passed.




Mark Forbes
Speaker

Attested:



Edward J.B. Calvo
Senator and Secretary of the Legislature

This Act was received by *I Maga'lahaen Guåhan* this 29th day of March, 2005,
at 5:25 o'clock P.M.



Assistant Staff Officer
Maga'lahaen's Office

APPROVED:



FELIX P. CAMACHO
I Maga'lahaen Guåhan

Date: _____

Public Law No. _____

I MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN
2005 (FIRST) Regular Session

Bill No. 99 (EC)

As substituted by the Committee of the Whole.

Introduced by:

Ray Tenorio

Mark Forbes

A. B. Palacios

L. F. Kasperbauer

A. R. Unpingco

Mike Cruz

J. M.S. Brown

R. Klitzkie

J. A. Lujan

F. B. Aguon, Jr.

Edward J.B. Calvo

B. J.F. Cruz

R. J. Respicio

J. T. Won Pat

AN ACT TO EXTEND THE EMERGENCY DECLARATION ISSUED BY I MAGA'LAHEN GUAHAN AS CONTAINED IN EXECUTIVE ORDER 2005-04, RELATIVE TO THE RENTAL OF OFFICE SPACE FOR THE OFFICE OF THE ATTORNEY GENERAL, TO RESOLVE ISSUES REGARDING THE EXISTING MONTH TO MONTH TENANCY AND TO REQUIRE THE ATTORNEY GENERAL TO ENTER INTO A LEASE FOR OFFICE SPACE PURSUANT TO THE GUAM PROCUREMENT LAW.

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

2 **Section 1.** Except for §§5030, 5249, 5250, 5251 and Article 11,
3 notwithstanding the provisions in Chapter 5, Division 1 of Title 5 of the Guam
4 Code Annotated, the Guam Procurement Law, the Attorney General is hereby

1 authorized to expend monies transferred pursuant to Executive Order 2005-
2 04, on an emergency procurement basis, issued by *I Maga'lahaen Guåhan*, for
3 lease of office space until sixty (60) days after enactment hereof.

4 **Section 2.** No lease shall be entered into unless the lessor delivers to
5 the Attorney General his declaration made pursuant to 6 GCA §4306 that the
6 rent reserved in the lease is the fair market value for the leasehold. The
7 declaration shall also contain a statement that the rent reserved in the lease
8 does not recover the value of any provision of any tenancy that might be
9 construed as a favor to the government of Guam, as that term is defined in 5
10 GCA §5630(d), nor for the value of any tenancy provided to the government
11 prior to the execution of the lease authorized in §1.

12 **Section 3.** The Public Auditor shall examine all aspects of the
13 transactions authorized by §1 and make a determination as to compliance
14 with §2. If the Public Auditor finds that §2 was complied with, 5 GCA
15 §5630(d) is inapplicable to a tenancy that might otherwise be determined to be
16 within the ambit of 5 GCA §5630(d).

17 **Section 4.** The Public Auditor shall forthwith publish the
18 determination required by §3, her findings and the record required by 5 GCA
19 §5249 and the Attorney General's certification of that record pursuant to 5
20 GCA §5250.

21 **Section 5.** The Attorney General may continue to occupy his present
22 location at Pedro's Plaza for up to and *no more than* sixty (60) days after the
23 enactment hereof. The Attorney General shall immediately issue an Invitation
24 to Bid pursuant to Title 5 GCA §5211 and the Guam Procurement Law for
25 office space for the Department of Law.

1 **Section 6.** *I Maga'lahen Guåhan* shall be deemed to have accepted the
2 value of the one month tenancy extended by the landlord of 247 West O'Brien
3 Drive; *Hagåtña*, or Lot No. 2, Block 26, City of *Hagåtña*, to the Department of
4 Law after his office's recent eviction from the Guam Judicial Center, as a
5 charitable donation of intangible personal property pursuant to Title 5 GCA
6 §22408.



I MINA ' BENTE OCHO NA LIHESLATURAN GUÅHAN
I Ufisinan Etmås Ge'helo Gi Liheslaturan Guåhan

MARK FORBES
Speaker

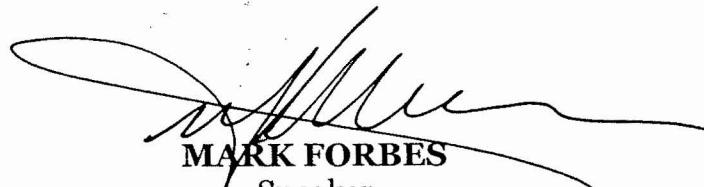
Chairperson, Committee on General & Omnibus Matters
Chairperson, Executive Committee

Office of the Speaker

March 24, 2005

The Honorable Ray Tenorio
Chairman
Committee on Criminal Justice, Public Safety, Youth
& Foreign Affairs
167 East Marine Corps. Dr.
Dela Corte Bldg.
Hagåtña, GU 96910

Håfa adai! Pursuant to the authority vested in me under section 7.01 of Rule VII of *I Mina'bente Ocho Na Liheslaturan Guåhan's* Standing Rules, I hereby waive the public hearing requirements and those prescribed under 5 GCA, sections 8107 and 8108, as exempted to my authority as Speaker of *I Liheslaturan Guåhan* and under the emergency requirements issued by the Attorney General Opinion 78-02, for Bill No. 99 (EC), **"AN ACT TO EXTEND THE EMERGENCY DECLARATION ISSUED BY I MAGA'LAHEN GUÅHAN AS CONTAINED IN EXECUTIVE ORDER 2005-04 RELATIVE TO THE RENTAL OF OFFICE SPACE FOR THE OFFICE OF THE ATTORNEY GENERAL."** The aforementioned bill will be heard on March 25, 2005


MARK FORBES
Speaker

155 Hesler Place, Hagåtña, Guam 96910

Telephone: 671-472-3407/408/512 * Facsimile: 671-477-5036 * Email: speakerforbes@yahoo.com