

MS

MINA' BENTE NUEBI NA LIHESLATURAN GUÅHAN
2007 (FIRST) Regular Session

2007 JUN 26 PM 3:00

Bill No. 39(EC)

Introduced by:

Frank Ishizaki
AB Palacios, Sr.



EDM

AN ACT TO ADD SECTION 1903.2 OF CHAPTER 19 OF TITLE 1 OF THE GUAM CODE ANNOTATED; TO ADD SECTION 30101.1 OF CHAPTER 30 OF TITLE 5 OF THE GUAM CODE ANNOTATED; AND TO ADD SECTION 40103.1 TO CHAPTER 40 OF TITLE 5 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE TRANSITION OF A NEWLY ELECTED PUBLIC AUDITOR, ATTORNEY GENERAL, AND VILLAGE MAYORS, RESPECTIVELY.

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. Legislative Findings and Intent. It is the intent of *I Liheslaturan Guåhan* to create a
3 stable environment in order for our government to be effective in serving its people. *I Liheslaturan*
4 *Guåhan* finds that in certain elected positions such as the Public Auditor, the Attorney General,
5 Mayors and Vice Mayors, there is no set mechanism that effectuates and guarantees a smooth and
6 orderly transition that will not interrupt the operations of each respective office in relation to the
7 functions of Government for an incoming elected official and the outgoing incumbent. Therefore, it is
8 the finding of *I Liheslaturan Guåhan* to create provisions that will allow for such transition to occur.

9 Section 2. A new Section 1903.2 is hereby *added* to Chapter 19 of Title 1 of the Guam Code
10 Annotated to read as follows:

11 "§1903.2. Transition for a Public Auditor-elect.

1 For a period following the certification of the election and the swearing in of the Public
2 Auditor, the incumbent Public Auditor, should he or she not be the successful candidate in that
3 election, shall assist the Public Auditor-elect in the preparation of his or her new duties. During this
4 transition period, the incumbent Public Auditor shall assist the Public Auditor-elect in acquainting
5 the latter with the operations of the Office of the Public Auditor and all necessary functions that come
6 with holding the office. The incumbent Public Auditor shall provide all documents at the request of
7 the Public Auditor-elect necessary for the preparation of Public Auditor-elect in assuming office. The
8 Public Auditor-elect, should he or she deem necessary, is authorized to appoint a Committee which
9 shall be of assistance during the transition period between election and assumption of office. No
10 funds shall be appropriated for the purposes of transition."

11 **Section 3.** A new Section 30101.1 is hereby *added* to Chapter 20 of Title 5 of the Guam Code
12 Annotated to read as follows:

13 **"§30101.1. Transition for an Attorney General-elect.**

14 For a period following the certification of the election and the swearing in of the Attorney
15 General-elect, the incumbent Attorney General, should he or she not be the successful candidate in
16 that election, shall assist the Attorney General-elect in the preparation of his or her new duties.
17 During this transition period, the incumbent Attorney General shall assist the Attorney General-elect
18 in acquainting the latter with the operations of the Office of the Attorney General and all necessary
19 functions that come with holding the office. The incumbent Attorney General shall provide all
20 documents at the request of the Attorney General-elect necessary for the preparation of Attorney
21 General-elect in assuming office. The Attorney General-elect, should he or she deem necessary, is
22 authorized to appoint a Committee which shall be of assistance during the transition period between

1 election and assumption of office. No funds shall be appropriated for the purposes of transition.”

2 **Section 4.** A new Section 40103.1 is hereby *added* to Chapter 40 of Title 5 of the Guam Code
3 Annotated to read as follows:

4 “§40103.1. **Transition for Mayor and Vice Mayor.**

5 After the Certification of Election of newly elected Mayors, and Vice Mayors as applicable,
6 there shall exist a transition period ending on the day of the oath of office. During this transition
7 period, the incumbent Mayor, and incumbent Vice Mayor as applicable, shall provide assistance to
8 the Mayor-elect and Vice Mayor-elect to acquaint the latter with the operations and functions of the
9 Offices. Should an incumbent Mayor and an incumbent Vice Mayor not be successful in an election,
10 all property, equipment, and documents belonging to the Office shall not be transferred to any other
11 government office.”

12 **Section 5. Severability.** If any provision of this Law of its application to any person or
13 circumstance is found to be invalid or contrary to law, such invalidity shall not affect other provisions
14 or applications of this Law which can be given effect without the invalid provisions or application, and
15 to this end the provisions of this Law are severable.