

FILE 2010

**I MINA'TRENTA NA LIHESLATURAN GUÅHAN
2010 (SECOND) Regular Session**

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

This is to certify that Bill No. 434-30 (LS), "AN ACT TO AMEND § 5150 OF PART F, ARTICLE 2 OF CHAPTER 5 OF TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO THE DUTIES OF THE ATTORNEY GENERAL," was on the 2nd day of July, 2010, 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 2nd day of July, 2010, at 4:30 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'TRENTA NA LIHESLATURAN GUÅHAN
2010 (SECOND) Regular Session

Bill No. 434-30 (LS)

As amended.

Introduced by:

B. J.F. Cruz
T. C. Ada
V. Anthony Ada
F. B. Aguon, Jr.
F. F. Blas, Jr.
E. J.B. Calvo
J. V. Espaldon
Judith P. Guthertz, DPA
T. R. Muña Barnes
Adolpho B. Palacios, Sr.
v. c. pangelinan
R. J. Respicio
Telo Taitague
Ray Tenorio
Judith T. Won Pat, Ed.D.

**AN ACT TO *AMEND* § 5150 OF PART F, ARTICLE 2 OF
CHAPTER 5 OF TITLE 5, GUAM CODE ANNOTATED,
RELATIVE TO THE DUTIES OF THE ATTORNEY
GENERAL.**

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

3 **Section 1.** §5150 of Part F, Article 2, Chapter 5 of Title 5, Guam Code
4 Annotated, is hereby *amended* to read:

5 **“§5150. Duties of the Attorney General.**


1 The Attorney General, the Deputy Attorney General *or* such Assistant
2 Attorneys General, or such Special Assistant Attorneys General as the
3 Attorney General may designate, *shall* serve as legal counsel and provide
4 necessary legal services to the Policy Office and the General Services
5 Agency. Whenever the Chief Procurement Officer, the Director of Public
6 Works, or the head of any executive branch agency, autonomous agency,
7 instrumentality or public corporation of the government of Guam conducts
8 any solicitation or procurement which is estimated to result in an award of
9 Five Hundred Thousand Dollars (\$500,000) or more, the Attorney General
10 or his designees, including one (1) *or* more Special Assistant Attorneys
11 General who may be so designated or appointed by the Attorney General
12 and subject to any reasonable requirements or conditions determined by the
13 Attorney General, *shall* act as legal advisor during all phases of the
14 solicitation or procurement process. The Attorney General, or his designee,
15 including one (1) *or* more Special Assistant Attorneys General *shall*, in
16 addition, when he approves contracts, determine not only the correctness of
17 their form, but their legality. In making such a determination of legality, he
18 may require any or all agencies involved in the contract to supply him with
19 evidence that the required procedures precedent to executing the contract
20 were carried out. He or his designees *may* prescribe the forms and format
21 required to be followed by the agencies in aiding him in his determination of
22 form and legality.”

23 **Section 2. Effective Date.** This Act *shall* be effective upon enactment.



July 02, 2010

MEMORANDUM

To: Speaker Judith T. Won Pat, Ed.D.
From: Vice Speaker B.J.F. Cruz 
Subject: Request for Emergency Certification - Bill No. 434-30 (LS)

I am writing to request for an emergency declaration pursuant to 2GCA§2103 on the matter of Bill No. 434-30 (LS) – “AN ACT TO AMEND § 5150 OF CHAPTER 5 OF TITLE 5 OF THE GUAM CODE ANNOTATED, RELATIVE TO PUBLIC LAW 72-30 AND THE DUTIES OF THE ATTORNEY GENERAL.”

Bill No. 434 would authorize the Attorney General to appoint Special Assistant Attorneys General to conduct reviews of major procurement solicitations mandated by Public Law 30-72. The Attorney General has advised that there are currently thirty-one solicitations before his office for review and that his office is unable to conduct required reviews in a timely manner. As many of the solicitations deal with health and safety issues, the delay in the procurement process will jeopardize the health and safety of our residents.

Twenty-five of the thirty-one solicitations originate from autonomous entities, all of which engage legal services independent of the AG’s office. The appointment of these agency legal counsels as Special Attorneys Generals will allow the procurement process to proceed without delay.

To ensure that the health and safety of our residents are not adversely affected by undue delays in the procurement process, I respectfully request an emergency declaration be made on this matter, and that you grant a waiver of the public hearing requirement.

Si Yu'os ma'åse'!



OFFICE OF THE SPEAKER
I MINA'TRENTA NA LIHESLATURAN GUAHAN | 30th GUAM LEGISLATURE
JUDITH T. WON PAT, Ed.D.

July 2, 2010

To: *I Mina' Trenta Na Liheslaturan Guahan*

RE: **Emergency Certification of Bill B434-30(LS)**

After careful evaluation for a request to waive the requirements for a public hearing on bill no. B434-30(LS)

Bill No. 434-30(LS) – An act to amend Section 5150 of Chapter 5 of Title 5 of the Guam Code Annotate, relative to Public Law 72-30 and the duties of the Attorney General.

I certify that Bill No. 434-30(LS) meets a condition set forth in 2 GCA §2103(a), and that the public hearing requirement is accordingly waived.

Senseramente,

Judith T. Won Pat, Ed.D.
Speaker

cc: Vice Speaker Benjamin J.F. Cruz
Clerk of the Legislature