



Office of the Governor of Guam

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Felix P. Camacho
Governor

Michael W. Cruz, M.D.
Lieutenant Governor

JUL 16 2010

2010 JUL 20 AM 11:32

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

30-10-0594

Office of the Speaker
Judith T. Won Pat, Ed. D.

Date 7/16/2010
Time 4:55 PM
Received by [Signature]

Dear Speaker Won Pat:

Submitted herewith is Bill No. 271-30 (COR), "AN ACT TO REPEAL §77108, CHAPTER 77, TITLE 10, GUAM CODE ANNOTATED, "AUTHORITY TO HIRE ATTORNEY"; AND TO REPEAL §3104, CHAPTER 3, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING PROVISIONS FOR THE ATTORNEY GENERAL TO PROVIDE LEGAL SERVICES TO THE GUAM POLICE DEPARTMENT, AND RELATIVE TO THE POSITION OF FIRE CHIEF AND CHIEF OF POLICE, AND FOR OTHER PURPOSES," which I have vetoed.

Though I fully understand the Legislature's desire to spend every tax dollar wisely I am forced to disagree with the harmful impacts of bill 271-30 as proposed. At various points in recent memory, both the Executive and Legislative branches of our government have acknowledged the staff shortfalls presently felt by the Office of the Attorney General. As these shortfalls have yet to be alleviated, removing in-house counsel to the Guam Police Department is not feasible at this time.

In fact, the Legislature itself acknowledges the ongoing necessity of in-house counsel through its passage of bill 434-30; an act which permits the Attorney General of Guam to appoint in-house counsel as "Special Assistant Attorney Generals" for the purpose of agency level procurement review. Unfortunately a backlog at the AG's Office has resulted in a bottleneck relative to the procurement of emergency. Thus, we have decided to use GPD's existing counsel for this purpose.

As the government entity most directly involved with criminal investigations, criminal arrests, and the protection of the public at large, GPD must be given real-time access to qualified legal counsel. Without it I believe we place the department, its investigations, and the acquisition of justice in jeopardy. I respectfully submit that if the AG does not possess the staffing capacity needed to relieve its procurement bottleneck, it surely cannot meet the demands of the real-time demands of the Guam Police Department. We must

not force our law enforcement officers to approach a critical situation without the information they need because counsel is not available at a critical moment.

Of further note, is the fact that language contained within this act as proposed would prevent a senior classified employee from taking the position of "Chief" without a pay cut if his classified employee salary was greater at the time of his appointment.

I am therefore forced to veto this bill as it has been proposed, and I hope that we can address the Legislature's concerns in a manner which does not harm our police officers, their access to critical advice, the ability to procure needed supplies by GFD and GPD, or the pursuit of justice at large.

Sins eru yan Mag'het

A handwritten signature in black ink, appearing to read "W Cruz", with a long horizontal stroke extending to the left.

MICHAEL W. CRUZ M.D.

I Maga 'lâhen Guahan para pa'go

Acting Governor of Guahan

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

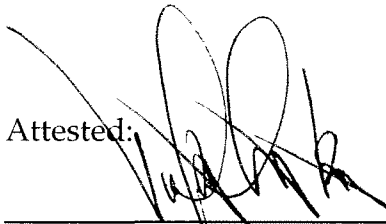
CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN

This is to certify that Bill No. 271-30 (COR), "AN ACT TO REPEAL §77108, CHAPTER 77, TITLE 10, GUAM CODE ANNOTATED, "AUTHORITY TO HIRE ATTORNEY"; AND TO REPEAL §3104, CHAPTER 3, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING PROVISIONS FOR THE ATTORNEY GENERAL TO PROVIDE LEGAL SERVICES TO THE GUAM POLICE DEPARTMENT, AND RELATIVE TO THE POSITIONS OF FIRE CHIEF AND CHIEF OF POLICE, AND FOR OTHER PURPOSES", 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 6th day of July 2010, at
5 o'clock P.M.



Assistant Staff Officer
Maga'laha's Office

APPROVED:

VETO

MIKE W. CRUZ, MD
GOVERNOR OF GUAM ACTING

Date: _____

Public Law No. _____

I MINA'TRENTA NA LIHESLATURÁN GUÁHAN
2009 (FIRST) Regular Session

Bill No. 271-30 (LS)

As amended on the Floor.

Introduced by:

Adolpho B. Palacios, Sr.

Judith P. Guthertz, DPA

T. C. Ada

V. Anthony Ada

F. B. Aguon, Jr.

F. F. Blas, Jr.

E. J.B. Calvo

B. J.F. Cruz

J. V. Espaldon

T. R. Muña Barnes

v. c. pangelinan

R. J. Respicio

Telo Taitague

Ray Tenorio

Judith T. Won Pat, Ed.D.

AN ACT TO *REPEAL* §77108, CHAPTER 77, TITLE 10, GUAM CODE ANNOTATED, “AUTHORITY TO HIRE ATTORNEY”; AND TO REPEAL §3104, CHAPTER 3, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING PROVISIONS FOR THE ATTORNEY GENERAL TO PROVIDE LEGAL SERVICES TO THE GUAM POLICE DEPARTMENT, AND RELATIVE TO THE POSITIONS OF FIRE CHIEF AND CHIEF OF POLICE, AND FOR OTHER PURPOSES.

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

2 **Section 1. Legislative Findings and Intent.** The Guam Police

3 Department (GPD) FY 2010 budget submittal and testimonies provided during

1 the FY 2010 budget hearings provided no record or information in reference to
2 the workload output of the in-house legal counsel (GPD Legal Section) for the
3 preceding three (3) years, although such information were included/provided
4 for the other divisions/units within the Guam Police Department. Despite the
5 actual request for such information that was made during the public hearing,
6 such information is yet to be received by the Legislature. Absent information
7 on the workload output, coupled with information received from some police
8 officers regarding the difficulty in communicating with the in-house attorney,
9 appear to indicate the under utilization of the in-house attorney.

10 During the FY 2010 budget hearing for the Office of the Attorney
11 General, the Attorney General requested for additional attorneys to cope with
12 the continuing rise in the workload of attorneys currently on board. Not all the
13 new attorneys requested by the Attorney General were approved. Moreover,
14 the approved budget act contains provisions that mandate the Office of the
15 Attorney General to provide legal assistance to the Department of Mental
16 Health and Substance Abuse and to the landfill issue.

17 *I Liheslaturan Guåhan* finds that funds appropriated to the Guam Police
18 Department for an in-house attorney can best be utilized if such funds are
19 transferred to the Office of the Attorney General, to maximize the services of
20 the attorney, through supervision, guidance and support of the Attorney
21 General. *I Liheslaturan Guåhan* further finds that legal services for the Guam
22 Police Department will *not* be diminished or compromised by this arrangement.

23 It is, therefore, the intent of *I Liheslaturan Guåhan* to repeal §77108,
24 Chapter 77, Title 10, Guam Code Annotated (“Authority to Hire Attorney”), to
25 establish provisions for the Attorney General to provide legal services to the
26 Guam Police Department.

1 **Section 2.** §77108, Chapter 77, Title 10, Guam Code Annotated, is
2 hereby *repealed* in its entirety.

3 **Section 3. Funds Transfer.** The funds appropriated in Public Law 30-
4 55 (Budget Act) to the Guam Police Department that also funded the salary and
5 benefits of the current position of in-house attorney or police legal advisor *shall*
6 be transferred to the Office of the Attorney General, including any incumbent of
7 the position.

8 **Section 4. Attorney General to Provide Legal Services.**
9 Notwithstanding any other law, rule or regulation the Attorney General *shall*
10 designate *at least* one (1) of its attorneys to assist and represent the Guam
11 Police Department in all civil matters. The Attorney General, or his or her
12 designee, *shall* represent the Guam Police Department (GPD) in administrative
13 hearings or civil litigation in which the Department is interested, and also
14 provide legal advice and guidance to GPD, as well as provide consultation to
15 GPD on training and other police-related matters.

16 **Section 5. Effective Date.** The provisions set forth in this Act *shall*
17 become effective within thirty (30) days after enactment. The Guam Police
18 Department, the Office of the Attorney General, the Department of
19 Administration, and/or the Bureau of Budget and Management Research
20 (BBMR) upon the enactment of this Act *shall* commence preparation for the
21 transfer of the funds and staff. Such transfer *shall* be completed within thirty
22 (30) days after enactment.

23 **Section 6.** §3104 of Chapter 3, Title 5, Guam Code Annotated, is
24 hereby *repealed*.