

Office of the Governor of Guam

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Felix P. Camacho  
Governor

Michael W. Cruz, M.D.  
Lieutenant Governor

2010 DEC 17 PM 4:04

DEC 14 2010

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

Dear Speaker Won Pat:

Transmitted herewith is Bill No. 271-30 (LS) "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 was enacted into law without the Governor's signature. The legislation is now designated as Public Law No. 30-202.

Sinseru yan Magåhet,

FELIX P. CAMACHO  
I Maga'låhen Guahan  
Governor of Guahan

Attachment: copy of Bill

***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 (LS), "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" returned without approval of *I Maga'lahaen Guåhan*, was reconsidered by *I Liheslaturan Guåhan* and after such consideration, did agree, on the 30<sup>th</sup> day of November, 2010, to pass said bill notwithstanding the veto of *I Maga'lahaen Guåhan* by a vote of fourteen (14) Members.



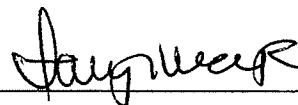
Judith T. Won Pat, Ed. D.  
Speaker

Attested:



Tina Rose Muña Barnes  
Legislative Secretary

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This Act was received by *I Maga'lahaen Guåhan* this 1<sup>st</sup> day of Dec,  
2010, at 1100 o'clock A.M.



Assistant Staff Officer  
*Maga'lahaen's* Office

*I MINA'TRENTA NA LIHESLATURAN GUAHAN*  
**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*.