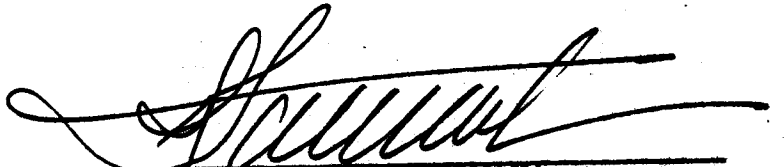


SIXTEENTH GUAM LEGISLATURE  
1982 (SECOND) Regular Session

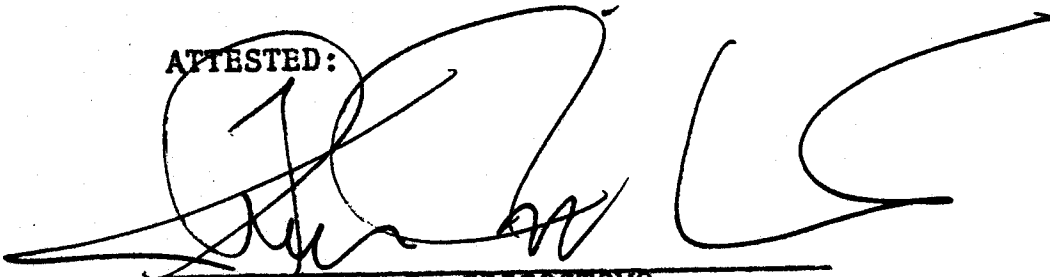
CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Substitute Bill No. 707, "An Act to authorize the Board of Education to name schools and for other purposes", was on the 18th day of August 1982, duly and regularly passed.




THOMAS V. C. TANAKA  
Speaker

ATTESTED:




THOMAS C. CRISOSTOMO  
Senator and Legislative Secretary

-----  
This Act was received by the Governor this 23<sup>rd</sup> day of  
August, 1982, at 4:35 o'clock P M.

  
SHERRA L. FRANCISCO  
Assistant Staff Officer  
Governor's Office

APPROVED:

  
PAUL M. CALVO  
Governor of Guam

DATED: 8/26/82  
P.L. 16-107

SIXTEENTH GUAM LEGISLATURE  
1982 (SECOND) Regular Session

Bill No. 707  
(As Substituted by the  
Committee on Education)

Introduced by: T. C. Crisostomo, F. F. Blas, J. H. Underwood  
C. A. Kasperbauer

AN ACT TO AUTHORIZE THE BOARD OF EDUCATION  
TO NAME SCHOOLS AND FOR OTHER PURPOSES.

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

2 Section 1. Sections 11005, 11006, 11007, 11008, 11009, 11010,  
3 11011, 11012, 11013, 11014, 11015, 11016, 11017, as enacted by  
4 Public Law 12-74, Section 11017, as enacted by Public Law 13-4,  
5 Sections 11018 and 11019 are repealed and a new Section 11005 is  
6 enacted in lieu thereof to read:

7 "Section 11005. Schools, naming of. The Board is  
8 authorized to designate by appropriate name the public  
9 schools. Any name of any school in effect at the time of  
10 the enactment of this section shall continue in effect until  
11 a new name is assigned by the Board.

12 Section 2. Statement of Legislative Concern and Amendment of  
13 Section 7103(a) of the Government Code. The Sixteenth Guam  
14 Legislature notes with concern that constitutional and Organic Act  
15 challenges have been raised to the Territorial Prosecutor Act,  
16 Public Law 16-72, as amended by Public Law 16-80. One of the  
17 challenges is that Section 7103(a) of the Government Code violates  
18 the due process and equal protection provisions of the United  
19 States Constitution and the Organic Act by creating "two distinct  
20 classes of criminal defendants--those that hold public office and  
21 those that do not". Counsel for the defendant in People of the  
22 Territory of Guam vs. Peter M. Perez, et al, Superior Court  
23 Criminal Case 59F-82, discerns an ambiguity in Section 7103(a)  
24 which the Legislature does not perceive. The intent of the  
25 Legislature in enacting Section 7103(a) was that in the management

1 of his office, the Territorial Prosecutor would be free from  
2 interference by the Attorney General save in an instance where the  
3 alleged wrongdoing occurred in the Office of the Territorial  
4 Prosecutor. This intent was predicated upon an earlier version of  
5 Bill 645, which gave the Attorney General the power to appoint the  
6 Territorial Prosecutor and to institute criminal prosecution for  
7 wrongdoing within the Office of the Territorial Prosecutor. Bill  
8 645, as substituted and which became the Territorial Prosecutor  
9 Act, deleted the provision. The language in Section 7103(a)  
10 relating to decisions constituting grounds for removal of the  
11 Territorial Prosecutor or his staff from office thus became  
12 superfluous since the subject of wrongdoing by the Territorial  
13 Prosecutor or his staff is fully addressed in Section 7104 of the  
14 Government Code. Section 7104 requires the Governor to appoint  
15 a special prosecutor to deal with any criminal act constituting a  
16 felony alleged to have been committed by the Territorial Prosecu-  
17 tor or any person employed in the Office of the Territorial  
18 Prosecutor. Nonetheless and in order to clarify any question that  
19 may exist as to the Legislature's insistence that all persons,  
20 regardless of their status or position, should be prosecuted  
21 evenhandedly, the Legislature amends Section 7103(a) of the  
22 Government Code, and declares that such amendment shall be  
23 retroactively effective to March 5, 1932, to read:

24           "(a) The Territorial Prosecutor shall have discretion  
25           to investigate alleged criminal acts, to bring criminal  
26           prosecutions, and to compromise or terminate such prosecutions  
27           as allowed by law without being responsible to the Attorney  
28           General."

DATE

~~7-18-82~~  
8-18-82

## SIXTEENTH GUAM LEGISLATURE

## VOTING RECORD

5 BILL/RESOLUTION NO. 707

MAIN SPONSOR

TCC

SENATOR	AYE	NAY	NOT VOTING	ABSENT
BLAS, Frank F.	✓			
BORDALLO, Madeleine Z.		✓		
CHARFAUROS, Edward T.	✓			
CRISOSTOMO, Thomas C.	✓			
DUENAS, Edward R.	✓			
GUTIERREZ, Carl T. C.		✓		
KASPERBAUER, Carmen A.	✓			
LAMORENA, Alberto C., III	✓			
LEON GUERRERO, Jose I.	✓			
MOYLAN, Kurt S.	✓			
PEREZ, Peter F., Jr.	✓			
QUAN, John F.		✓		
QUITUGUA, Franklin J.	✓			
SAN AGUSTIN, Joe T.	✓			
SANTOS, Francisco R.	✓			
SUDO, Ramon Q.	✓			
TANAKA, Thomas V. C.	✓			
TORRES, Jess Q.	✓			
UMAGAT, Lloyd L.		✓		
UNDERWOOD, James H.	✓			
UNPINGCO, Antonio R.	✓			

TOTAL

17 4 0 0