

SIXTEENTH GUAM LEGISLATURE
1982 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Substitute Bill No. 692, "An Act amending sections of the Government Code relative to the Territorial Prosecutor", was on the 29th day of April 1982, duly and regularly passed.



THOMAS V. C. TANAKA
Speaker

ATTESTED:



THOMAS C. CRISOSTOMO
Legislative Secretary

This Act was received by the Governor this 30th day of
April, 1982, at 5:40 o'clock P M.



SHERRA L. FRANCISCO
Assistant Staff Officer
Governor's Office

APPROVED:



PAUL M. CALVO
Governor of Guam

DATED: 5/4/82

P.L. 16-80

SIXTEENTH GUAM LEGISLATURE
1982 (SECOND) Regular Session

Bill No. 692
(As Substituted by the Committee on
Criminal Justice)

Introduced by: Committee on Criminal Justice

AN ACT AMENDING SECTIONS OF THE GOVERNMENT
CODE RELATIVE TO THE TERRITORIAL PROSECUTOR.

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

2 Section 1. Subsection (e) is added to Section 7102 of
3 the Government Code to read:

4 "(e) When required by the Superior Court, represent
5 the government in the Juvenile Court Division of the
6 Superior Court in all actions brought pursuant to Section
7 252(a) of the Code of Civil Procedure."

8 Section 2. Section 7105 of the Government Code is amended
9 to read:

10 "Section 7105. Defense of persons accused of crime
11 prohibited. Neither the Territorial Prosecutor nor any
12 attorney employed by the Office of the Territorial Prose-
13 cutor shall act as counsel for any person, legal or natural,
14 accused of any crime in Guam. An attorney who has been the
15 Territorial Prosecutor or who has been employed in the
16 office of the Territorial Prosecutor shall not accept
17 private employment in connection with any matter in which
18 he had a substantial responsibility during his employment
19 as Territorial Prosecutor or in the Office of the Territorial
20 Prosecutor. Substantial responsibility means a responsibi-
21 lity requiring the official to become personally involved
22 to an important, material degree in the investigative or
23 deliberative processes regarding the transactions or facts
24 in question."

1 Section 3. Section 7106 is added to the Government Code
2 to read:

3 "Section 7106. Rules and regulations. The Territorial
4 Prosecutor shall make rules and regulations, not inconsis-
5 tent with law, for the conduct of the Office of the Terri-
6 torial Prosecutor, but such rules and regulations shall
7 become effective only upon approval by the Governor. The
8 Administrative Adjudication Act shall not apply to rules
9 and regulations promulgated under this Section which concern
10 only the internal management of the Office of the Territo-
11 rial Prosecutor and which do not directly affect the rights
12 or procedures available to the public."

13 Section 4. Subsections (b) and (c) of Section 13 of
14 Public Law 16-72 are amended to read:

15 "(b) On July 5, 1982, the Office of the Territorial Prose-
16 cutor shall be established for all of the purposes set out
17 in this Act and all functions specified to be those of the
18 Territorial Prosecutor shall then be transferred from the
19 Department of Law to the Office of the Territorial Prose-
20 cutor.

21 (c) The Attorney General shall cooperate in all respects
22 with the Territorial Prosecutor in the transfer of
23 functions."

24 Section 5. To expedite the establishment of the office
25 of the Territorial Prosecutor and the timely transfer
26 of prosecutorial functions to that office, the Territorial
27 Prosecutor is exempted from the requirements of Section 6116(c)
28 of the Government Code and from any other statutory or regulatory
29 bidding requirements limiting the power of the Territorial
30 Prosecutor to contract for the lease or purchase of goods
31 with respect to all contracts necessary for initial establishment
32 of a separate Office of the Territorial Prosecutor.

1 Section 6. Section 14 of Public Law 16-72 is amended by
2 repealing and reenacting Subsections (b), (c) and (f) and adding
3 Subsection (g) to read:

4 "(b) Upon the transfer of functions, all attorneys in
5 the criminal division of the Department of Law shall have
6 the option of completing any existing contract upon which
7 they may be employed as an attorney within the Department
8 of Law or transferring to the Office of Territorial Prose-
9 cutor for employment in such attorney positions as the
10 Territorial Prosecutor shall assign. Notwithstanding
11 Section 7101 of the Government Code, no person who accepts
12 a transfer to the Office of the Territorial Prosecutor
13 shall, during the remainder of the term of his existing
14 contract, which term shall in no event be extended:

15 (1) Be removed from his employment except for cause
16 as provided under the civil service law and regulations.

17 (2) Have his salary or any of his benefits of
18 government employment reduced except as such salary and
19 benefits may be reduced uniformly for all government
20 employees.

21 (c) Upon the transfer of functions, non-attorneys in
22 the criminal division of the Department of Law shall be
23 transferred to the Office of the Territorial Prosecutor in
24 the same grade and step as they hold in the Department of
25 Law. They shall continue to be members of the classified
26 service.

27 (f) Within twenty (20) days after the Territorial
28 Prosecutor is confirmed by the Legislature, he shall submit
29 to the Legislature a plan for the organization of the
30 Office of Territorial Prosecutor. The plan shall include
31 a proposed staffing pattern, a salary schedule for the

1 professional staff of the office and budget requirements
2 for the remainder of the fiscal year and for one fiscal year
3 thereafter.

4 (g) Upon confirmation, the Territorial Prosecutor shall
5 take his office upon taking the oath of office. Pending the
6 transfer of functions, the Territorial Prosecutor may appoint
7 his deputy and have assigned to him from the Department of
8 Law two (2) non-professional employees who would be from the
9 ranks of those who are to be transferred pursuant to Sub-
10 section (c) of this Section. Pending the transfer of func-
11 tions, the deputy and the two (2) non-professional employees
12 shall be interim employees of the Office of the Territorial
13 Prosecutor. The Territorial Prosecutor and the Deputy Terri-
14 torial Prosecutor shall be paid their salary from the sum
15 appropriated to the office of the Territorial Prosecutor.
16 The non-professional employees during their interim
17 employment shall be paid from the appropriation heretofore
18 made to the Department of Law."

19 Section 7. Section 4106.1 of the Government Code is repealed
20 and reenacted to read:

21 "Section 4106.1. Salaries of the Attorney General, the
22 Territorial Prosecutor and the Deputy Territorial Prosecutor.
23 The Attorney General and the Territorial Prosecutor shall be
24 paid Forty Thousand Dollars (\$40,000) per annum. The Deputy
25 Territorial Prosecutor shall be paid Thirty-Six Thousand
26 Dollars (\$36,000) per annum."

27 Section 8. There is appropriated from the General Fund to
28 the Office of the Territorial Prosecutor the sum of Fifty Thousand
29 Dollars (\$50,000). The sum shall be expended upon the certifi-
30 cation of the Territorial Prosecutor and may be used to pay the
31 salaries of the Territorial Prosecutor and the Deputy Territorial
32 Prosecutor and for such costs of the Office as the Territorial
33 Prosecutor determines necessary to accomplish the transfer of

1 functions from the Department of Law to the Office of the
2 Territorial Prosecutor. Any sum that is unencumbered upon the
3 transfer of functions shall continue to be available for the
4 operation of the Office of the Territorial Prosecutor.

5 Section 9. (a) There is authorized to be appropriated
6 such sums as the Legislature shall determine necessary for the
7 efficient operation of the Office of the Territorial Prosecutor
8 in fiscal years 1982 and 1983.

9 (b) Pending the approval by the Legislature of a staffing
10 pattern, salary schedule and budget, the professional staff of
11 the Territorial Prosecutor shall consist of not more than seven
12 (7) attorneys, including his deputy and any persons who accept
13 transfer to the office from the criminal division of the Depart-
14 ment of Law.

15 Section 10. Section 15 of Public Law 16-72 is repealed.

16 Section 11. Section 28019.1 of the Government Code is
17 repealed and reenacted to read:

18 "Section 28019.1. Special provision for government
19 attorneys. Any person employed as an attorney by the
20 government or by the Guam Legal Services Corporation or by
21 the United States may be admitted temporarily without
22 written examination and only for the purposes of such
23 employment if, upon application, the Board determines that
24 the person meets the qualification of Subsections (b)
25 through (f) of Section 28019 of this Code, and is:

26 (a) Admitted to practice in the highest court of a
27 state, or territory of the United States; and

28 (b) Professionally, morally and ethically qualified
29 for admission to the Bar of Guam and the admission of such
30 person would be in the best interest of the territory.

1 In every case, the burden shall be upon the person seeking
2 admission pursuant to this Section to establish his quali-
3 fications for admission. An admission issued pursuant to
4 this Section shall state its temporary nature and it shall
5 terminate automatically when the person ceases to be em-
6 ployed as an attorney by the government or by the United
7 States. While admitted under this Section, a person shall
8 be classified as an active member of the Bar of Guam with
9 all the responsibilities and privileges thereof."

10 Section 12. Section 28019.1 of the Government Code is
11 repealed.

12 Section 13. Section 12 of this Act shall become effective
13 March 5, 1983.

14 Section 14. One Hundred Fifty Thousand Dollars (\$150,000)
15 is appropriated from the General Fund to the Public Utility
16 Agency of Guam for the purpose of purchasing new pipes or repair-
17 ing existing pipe lines in order to provide an adequate water
18 supply in the municipalities of Yigo and Dededo.