



**Refer to
Legislative Secretary**

**CARL T.C. GUTIERREZ
GOVERNOR OF GUAM**

JUN 09 1999

The Honorable Antonio R. Unpingco
Speaker
I Mina'Bente Singko na Liheslaturan Guåhan
Twenty-Fifth Guam Legislature
Guam Legislature Temporary Building
155 Hesler Street
Hagåtña, Guam 96910

OFFICE OF THE LEGISLATIVE SECRETARY	
ACKNOWLEDGMENT RECEIPT	
Received by:	<i>[Signature]</i>
Time:	10:10
Date:	6/10/99

Dear Speaker Unpingco:

Enclosed please find Substitute Bill No. 52 (COR), "AN ACT TO REPEAL P.L. NO. 24-288, TO REPEAL AND REENACT §§30101, 30109(h) AND 30114, AND TO ADD §30116, ALL TO CHAPTER 30, DIVISION 3 OF TITLE 5 OF THE GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING THE OFFICE OF THE ELECTED ATTORNEY GENERAL", which I have signed into law today as **Public Law No. 25-44**.

I would suggest to the Liheslaturan Guåhan that in its current review of the election process, you also consider the additional issues raised by the establishment of an elected Attorney General. One such issue for example, is whether the Attorney General should be elected by a majority or a plurality of the votes cast as envisioned in this legislation.

Very truly yours,

[Signature]
Carl T. C. Gutierrez
I Maga'Lahen Guåhan
Governor of Guam

Attachment: copy attached for signed bill or overridden bill
original attached for vetoed bill

cc: The Honorable Joanne M. S. Brown
Legislative Secretary

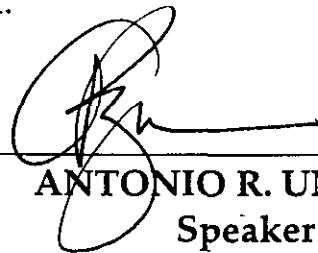
00284

Office of the Speaker
ANTONIO R. UNPINGCO
Date: 6-9-99
Time: 1340
Rec'd by: [Signature]
Print Name: Castro

MINA'BENTE SINGKO NA LIHESLATURAN GUAHAN
1999 (FIRST) Regular Session

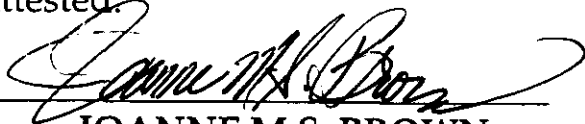
CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUAHAN

This is to certify that Substitute Bill No. 52 (COR), "AN ACT TO REPEAL P.L. NO. 24-288, TO REPEAL AND REENACT §§30101, 30109(h) AND 30114, AND TO ADD §30116, ALL TO CHAPTER 30, DIVISION 3 OF TITLE 5 OF THE GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING THE OFFICE OF THE ELECTED ATTORNEY GENERAL," was on the 24th day of May, 1999, duly and regularly passed.



ANTONIO R. UNPINGCO
Speaker


Attested:



JOANNE M.S. BROWN
Senator and Legislative Secretary

.....

This Act was received by I Maga'lahaen Guahan this 28th day of May, 1999,
at 11:15 o'clock 9 .M.



Assistant Staff Officer
Maga'lahaen's Office

APPROVED:



CARL T. C. GUTIERREZ
I Maga'lahaen Guahan

Date: 6-9-99

Public Law No. 25-44

MINA'BENTE SINGKO NA LIHESLATURAN GUÅHAN
1999 (FIRST) Regular Session

Bill No. 52 (COR)

As substituted on the Floor
and amended.

Introduced by:

Mark Forbes
J. M.S. Brown
J. C. Salas
S. A. Sanchez, II
F. B. Aguon, Jr.
E. C. Bermudes
A. C. Blaz
E. B. Calvo
M. G. Camacho
L. F. Kasperbauer
A.C. Lamorena, V
C. A. Leon Guerrero
K. S. Moylan
V. C. Pangelinan
A. R. Unpingco

**AN ACT TO REPEAL P.L. NO. 24-288, TO REPEAL
AND REENACT §§30101, 30109(h) AND 30114, AND TO
ADD §30116, ALL TO CHAPTER 30, DIVISION 3 OF
TITLE 5 OF THE GUAM CODE ANNOTATED,
RELATIVE TO ESTABLISHING THE OFFICE OF THE
ELECTED ATTORNEY GENERAL.**

1

BE IT ENACTED BY THE PEOPLE OF GUAM:

1 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan*
2 finds that subsequent to the passage of Public Law Number 24-288, the
3 United States Congress amended the 1950 Organic Act of Guam to allow *I*
4 *Liheslaturan Guåhan* to create an elected Attorney General for Guam. At the
5 same time, Public Law Number 24-288 contained a provision that the first
6 elected Public Prosecutor would *not* be elected in the event that the Organic
7 Act were amended to permit an elected Attorney General. *However*, the
8 Attorney General of Guam cannot be elected until the year 2002.

9 *I Liheslaturan Guåhan* finds that Guam has long been in need of an
10 elected Attorney General, to bring accountability to the prosecution of
11 criminals. *I Liheslaturan Guåhan* therefore intends that Public Law Number
12 24-288 be repealed and re-enacted to create an elected Attorney General of
13 Guam.

14 **Section 2.** Chapter 36 of Title 5 of the Guam Code Annotated, as
15 added by Public Law Number 24-288, is hereby *repealed*.

16 **Section 3.** Section 30101 of Chapter 30, Division 3 of Title 5 of the
17 Guam Code Annotated is hereby *repealed and re-enacted* to read as follows:

18 **"Section 30101. Attorney General.** (a) The
19 Department of Law of the government of Guam shall be
20 administered by the Attorney General of Guam, who shall be
21 elected by the people of Guam for a term of four (4) years.

22 (b) A candidate for the position of Attorney General of
23 Guam shall declare no political party affiliation. Candidates for
24 Attorney General of Guam shall be subject to the same campaign

1 and personal financial reporting requirements as apply to
2 candidates for *I Maga'lahaen Guåhan*, as well as all laws pertaining
3 to campaign contributions. No nominating petition shall be
4 required of a candidate for Attorney General of Guam.

5 A candidate for the position of Attorney General of Guam
6 shall file candidacy with the Guam Election Commission in the
7 manner similar to a candidate for *I Maga'lahaen Guåhan*, *except* as is
8 *not* consistent with this Section. There shall be no Primary
9 Election for the position of Attorney General of Guam. All
10 qualified candidates complying with the provisions of this Section
11 shall be placed on the General Election ballot. In the General
12 Election, the candidate receiving the most votes, subject to the
13 qualifications established by this Chapter, shall be certified by the
14 Guam Election Commission as having won election to the position
15 Attorney General. The Attorney General shall be sworn into and
16 take office on the first Monday of the January following the
17 General Election at which the Attorney General was elected and
18 shall remain in office until the election and swearing in of a new
19 Attorney General, *unless* removed from Office as provided for in
20 this Section. The Attorney General shall:

- 21 (1) be at least thirty-five (35) years of age;
- 22 (2) be a citizen of the United States and a resident of
23 Guam;
- 24 (3) be an active member in good standing of the
25 Guam Bar Association on Guam for at least five (5) years

1 immediately preceding his or her candidacy for Office, or an
2 inactive member of the Guam Bar Association who, in the
3 five (5) years preceding his election as an Attorney General
4 has served as an elected official elected by the people of
5 Guam or as a Public Auditor of Guam, or as a Justice of the
6 Supreme Court of Guam or Judge of the Superior Court of
7 Guam;

8 (4) not have been convicted of a felony; *and*

9 (5) not have been suspended from the practice of
10 law in any jurisdiction for violation of ethical rules
11 governing the practice of attorneys.

12 (c) The Attorney General of Guam may be removed in the
13 same manner as provided under the Organic Act of Guam for the
14 removal of *I Maga'lahren Guåhan*. As provided in the Organic Act
15 of Guam, a vacancy in the position of Attorney General shall be
16 filled:

17 (1) by appointment by *I Maga'lahren Guåhan* if such
18 vacancy occurs less than six (6) months before a General
19 Election for the Office of the Attorney General of Guam; *or*

20 (2) by a special election held no sooner than three (3)
21 months after such vacancy occurs, and no later than six (6)
22 months before a general election for Attorney General of
23 Guam, and by appointment by *I Maga'lahren Guåhan* pending
24 a special election under this Subparagraph."

1 **Section 4.** Section 30109(h) of Chapter 30, Division 3 of Title 5 of
2 the Guam Code Annotated is hereby *repealed and re-enacted* to read as follows:

3 “(h) Perform such other duties as are required by law.”

4 **Section 5.** Section 30114 of Chapter 30, Division 3 of Title 5 of the
5 Guam Code Annotated is hereby *repealed and re-enacted* to read as follows:

6 **“Section 30114. Rules and Regulations.** Notwithstanding
7 any other provision of law, the Attorney General shall make rules and
8 regulations, not inconsistent with law, for the conduct of the
9 Department of Law, but such rules and regulations shall become
10 effective only upon approval of *I Liheslaturan Guåhan*. Rules and
11 regulations shall *not* be inconsistent with the personnel rules and
12 regulations of the government of Guam.”

13 **Section 6.** Section 30116 of Chapter 30, Division 3 of Title 5 of the
14 Guam Code Annotated is hereby *added* to read as follows:

15 **“Section 30116. Compensation.** The Attorney
16 General shall be compensated in twenty-six (26) equal installments for
17 an annual salary based on ninety percent (90%) of the annual
18 compensation of a judge of the Superior Court of Guam.”

19 **Section 7. Budget.** The Office of the elected Attorney General shall
20 receive an annual budget pursuant to appropriation by *I Liheslaturan Guåhan*,
21 which shall be disbursed to the Office in twelve (12), equal monthly
22 installments. The budget of the elected Attorney General is *not* subject to the
23 allotment process or the control of the Bureau of Budget and Management
24 Research, nor shall *I Maga'lahaen Guåhan* impound or transfer funds

1 appropriated to the elected Attorney General. On a month where more than
2 two (2) pay periods shall occur, the Department of Administration shall
3 release such funds required for the purpose of meeting the operational needs
4 of the elected Attorney General for that month, provided a sufficient balance
5 of the appropriation remains.

6 **Section 8. Election of the First Elected Attorney General of Guam.**

7 Notwithstanding any other provision of law, the election of the first elected
8 Attorney General of Guam shall occur at the next General Election during
9 which *I Maga'lahaen Guåhan* is elected. The first elected Attorney General shall
10 be sworn into and take office on the first Monday of the January following the
11 General Election at which the Attorney General was elected and shall remain
12 in office until the election and swearing in of a new Attorney General, *unless*
13 removed from office as provided for in §3 of this Act.

14 **Section 9. Effective Dates.** Section 8 of this Act is effective

15 immediately upon the enactment of this Act. All other Sections are effective
16 upon the election and swearing into office of the first elected Attorney
17 General.

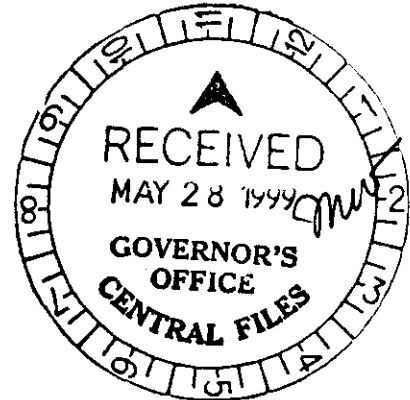
18 **Section 10. Severability.** *If* any provision of this Law or its
19 application to any person or circumstance is found to be invalid or contrary to
20 law, such invalidity shall *not* affect other provisions or applications of this
21 Law which can be given effect without the invalid provisions or application,
22 and to this end the provisions of this Law are severable.



MINA' BENTE SINGKO NA LIHESLATURAN GUÅHAN
TWENTY-FIFTH GUAM LEGISLATURE
155 Hesler Street, Hagåtña, Guam 96910

May 27, 1999

The Honorable Carl T.C. Gutierrez
I Maga'lahen Guåhan
Ufisinan I Maga'lahi
Hagåtña, Guam 96910



Dear *Maga'lahi* Gutierrez:

Transmitted herewith are Bill No. 70 (COR) and Substitute Bill Nos. 52 (COR), 57 (COR) and 189 (COR) which were passed by *I Mina'Bente Singko Na Liheslaturan Guåhan* on May 24, 1999.

Sincerely,

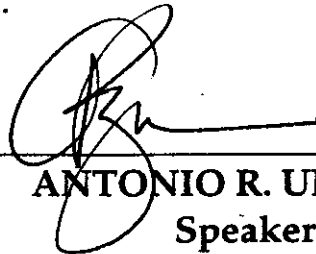
JOANNE M.S. BROWN
Senator and Legislative Secretary

Enclosure (4)


MINA'BENTE SINGKO NA LIHESLATURAN GUAHAN
1999 (FIRST) Regular Session

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

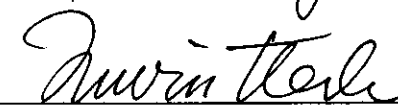
This is to certify that Substitute Bill No. 52 (COR), "AN ACT TO ~~REPEAL~~ P.L. NO. 24-288, TO ~~REPEAL AND REENACT~~ §§30101, 30109(h) AND 30114, AND TO ~~ADD~~ §30116, ALL TO CHAPTER 30, DIVISION 3 OF TITLE 5 OF THE GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING THE OFFICE OF THE ELECTED ATTORNEY GENERAL," was on the 24th day of May, 1999, duly and regularly passed.


ANTONIO R. UNPINGCO
Speaker

Attested:


JOANNE M.S. BROWN
Senator and Legislative Secretary

.....
This Act was received by *I Maga'lahen Guahan* this 28th day of May, 1999,
at 11:15 o'clock 9.M.


Assistant Staff Officer
Maga'lahi's Office

APPROVED:

CARL T. C. GUTIERREZ
I Maga'lahen Guahan

Date: _____

Public Law No. _____

MINA'BENTE SINGKO NA LIHESLATURAN GUAHAN
1999 (FIRST) Regular Session

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

This is to certify that Substitute Bill No. 52 (COR), "AN ACT TO *REPEAL* P.L. NO. 24-288, TO *REPEAL AND REENACT* §§30101, 30109(h) AND 30114, AND TO *ADD* §30116, ALL TO CHAPTER 30, DIVISION 3 OF TITLE 5 OF THE GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING THE OFFICE OF THE ELECTED ATTORNEY GENERAL," was on the 24th day of May, 1999, duly and regularly passed.

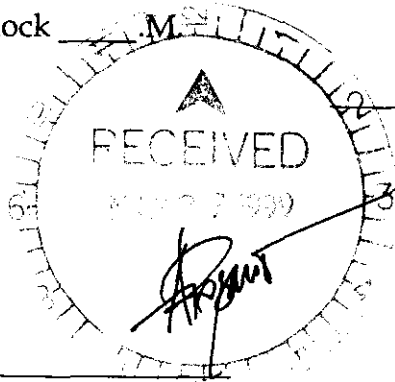
ANTONIO R. UNPINGCO
Speaker

Attested:

JOANNE M.S. BROWN
Senator and Legislative Secretary

This Act was received by *I Maga'lahaen Guahan* this _____ day of _____, 1999,
at _____ o'clock _____

APPROVED:



Assistant Staff Officer
Maga'lahaen's Office

CARL T. C. GUTIERREZ
I Maga'lahaen Guahan

Date: _____

Public Law No. _____

Office of the Speaker
ANTONIO R. UNPINGCO

Date: 5-27-99

Time: 8:10

Rec'd by: [Signature]

Print Name: Charlene

**MINA'BENTE SINGKO NA LIHESLATURAN GUÅHAN
1999 (FIRST) Regular Session**

Bill No. 52 (COR)

As substituted on the Floor
and amended.

Introduced by:

Mark Forbes
J. M.S. Brown
J. C. Salas
S. A. Sanchez, II
F. B. Aguon, Jr.
E. C. Bermudes
A. C. Blaz
E. B. Calvo
M. G. Camacho
L. F. Kasperbauer
A.C. Lamorena, V
C. A. Leon Guerrero
K. S. Moylan
V. C. Pangelinan
A. R. Unpingco

**AN ACT TO REPEAL P.L. NO. 24-288, TO REPEAL
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ADD §30116, ALL TO CHAPTER 30, DIVISION 3 OF
TITLE 5 OF THE GUAM CODE ANNOTATED,
RELATIVE TO ESTABLISHING THE OFFICE OF THE
ELECTED ATTORNEY GENERAL.**

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

1 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan*
2 finds that subsequent to the passage of Public Law Number 24-288, the
3 United States Congress amended the 1950 Organic Act of Guam to allow *I*
4 *Liheslaturan Guåhan* to create an elected Attorney General for Guam. At the
5 same time, Public Law Number 24-288 contained a provision that the first
6 elected Public Prosecutor would *not* be elected in the event that the Organic
7 Act were amended to permit an elected Attorney General. *However*, the
8 Attorney General of Guam cannot be elected until the year 2002.

9 *I Liheslaturan Guåhan* finds that Guam has long been in need of an
10 elected Attorney General, to bring accountability to the prosecution of
11 criminals. *I Liheslaturan Guåhan* therefore intends that Public Law Number
12 24-288 be repealed and re-enacted to create an elected Attorney General of
13 Guam.

14 **Section 2.** Chapter 36 of Title 5 of the Guam Code Annotated, as
15 added by Public Law Number 24-288, is hereby *repealed*.

16 **Section 3.** Section 30101 of Chapter 30, Division 3 of Title 5 of the
17 Guam Code Annotated is hereby *repealed and re-enacted* to read as follows:

18 **"Section 30101. Attorney General.** (a) The
19 Department of Law of the government of Guam shall be
20 administered by the Attorney General of Guam, who shall be
21 elected by the people of Guam for a term of four (4) years.

22 (b) A candidate for the position of Attorney General of
23 Guam shall declare no political party affiliation. Candidates for
24 Attorney General of Guam shall be subject to the same campaign

1 and personal financial reporting requirements as apply to
2 candidates for *I Maga'lahaen Guåhan*, as well as all laws pertaining
3 to campaign contributions. No nominating petition shall be
4 required of a candidate for Attorney General of Guam.

5 A candidate for the position of Attorney General of Guam
6 shall file candidacy with the Guam Election Commission in the
7 manner similar to a candidate for *I Maga'lahaen Guåhan*, *except* as is
8 *not* consistent with this Section. There shall be no Primary
9 Election for the position of Attorney General of Guam. All
10 qualified candidates complying with the provisions of this Section
11 shall be placed on the General Election ballot. In the General
12 Election, the candidate receiving the most votes, subject to the
13 qualifications established by this Chapter, shall be certified by the
14 Guam Election Commission as having won election to the position
15 Attorney General. The Attorney General shall be sworn into and
16 take office on the first Monday of the January following the
17 General Election at which the Attorney General was elected and
18 shall remain in office until the election and swearing in of a new
19 Attorney General, *unless* removed from Office as provided for in
20 this Section. The Attorney General shall:

- 21 (1) be at least thirty-five (35) years of age;
- 22 (2) be a citizen of the United States and a resident of
23 Guam;
- 24 (3) be an active member in good standing of the
25 Guam Bar Association on Guam for at least five (5) years

1 immediately preceding his or her candidacy for Office, or an
2 inactive member of the Guam Bar Association who, in the
3 five (5) years preceding his election as an Attorney General
4 has served as an elected official elected by the people of
5 Guam or as a Public Auditor of Guam, or as a Justice of the
6 Supreme Court of Guam or Judge of the Superior Court of
7 Guam;

8 (4) not have been convicted of a felony; *and*

9 (5) not have been suspended from the practice of
10 law in any jurisdiction for violation of ethical rules
11 governing the practice of attorneys.

12 (c) The Attorney General of Guam may be removed in the
13 same manner as provided under the Organic Act of Guam for the
14 removal of *I Maga'lahren Guåhan*. As provided in the Organic Act
15 of Guam, a vacancy in the position of Attorney General shall be
16 filled:

17 (1) by appointment by *I Maga'lahren Guåhan* if such
18 vacancy occurs less than six (6) months before a General
19 Election for the Office of the Attorney General of Guam; *or*

20 (2) by a special election held no sooner than three (3)
21 months after such vacancy occurs, and no later than six (6)
22 months before a general election for Attorney General of
23 Guam, and by appointment by *I Maga'lahren Guåhan* pending
24 a special election under this Subparagraph."

1 **Section 4.** Section 30109(h) of Chapter 30, Division 3 of Title 5 of
2 the Guam Code Annotated is hereby *repealed and re-enacted* to read as follows:

3 “(h) Perform such other duties as are required by law.”

4 **Section 5.** Section 30114 of Chapter 30, Division 3 of Title 5 of the
5 Guam Code Annotated is hereby *repealed and re-enacted* to read as follows:

6 “**Section 30114. Rules and Regulations.** Notwithstanding
7 any other provision of law, the Attorney General shall make rules and
8 regulations, not inconsistent with law, for the conduct of the
9 Department of Law, but such rules and regulations shall become
10 effective only upon approval of *I Liheslaturan Guåhan*. Rules and
11 regulations shall *not* be inconsistent with the personnel rules and
12 regulations of the government of Guam.”

13 **Section 6.** Section 30116 of Chapter 30, Division 3 of Title 5 of the
14 Guam Code Annotated is hereby *added* to read as follows:

15 “**Section 30116. Compensation.** The Attorney
16 General shall be compensated in twenty-six (26) equal installments for
17 an annual salary based on ninety percent (90%) of the annual
18 compensation of a judge of the Superior Court of Guam.”

19 **Section 7. Budget.** The Office of the elected Attorney General shall
20 receive an annual budget pursuant to appropriation by *I Liheslaturan Guåhan*,
21 which shall be disbursed to the Office in twelve (12), equal monthly
22 installments. The budget of the elected Attorney General is *not* subject to the
23 allotment process or the control of the Bureau of Budget and Management
24 Research, nor shall *I Maga'lahaen Guåhan* impound or transfer funds

1 appropriated to the elected Attorney General. On a month where more than
2 two (2) pay periods shall occur, the Department of Administration shall
3 release such funds required for the purpose of meeting the operational needs
4 of the elected Attorney General for that month, provided a sufficient balance
5 of the appropriation remains.

6 **Section 8. Election of the First Elected Attorney General of Guam.**

7 Notwithstanding any other provision of law, the election of the first elected
8 Attorney General of Guam shall occur at the next General Election during
9 which *I Maga'lahaen Guahan* is elected. The first elected Attorney General shall
10 be sworn into and take office on the first Monday of the January following the
11 General Election at which the Attorney General was elected and shall remain
12 in office until the election and swearing in of a new Attorney General, *unless*
13 removed from office as provided for in §3 of this Act.

14 **Section 9. Effective Dates.** Section 8 of this Act is effective

15 immediately upon the enactment of this Act. All other Sections are effective
16 upon the election and swearing into office of the first elected Attorney
17 General.

18 **Section 10. Severability.** *If* any provision of this Law or its

19 application to any person or circumstance is found to be invalid or contrary to
20 law, such invalidity shall *not* affect other provisions or applications of this
21 Law which can be given effect without the invalid provisions or application,
22 and to this end the provisions of this Law are severable.



FILE

MINA' BENTE SINGKO NA LIHESLATURAN GUAM
TWENTY-FIFTH GUAM LEGISLATURE
155 Hesler Street, Hagåtña, Guam 96910

COPY

May 17, 1999
(DATE)

Memorandum

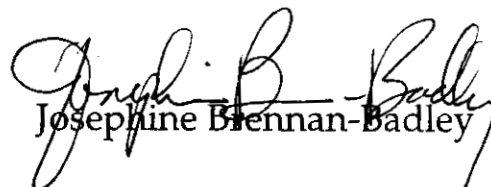
To: Senator MARK FORBES

From: Clerk of the Legislature

Subject: Report on Bill No. 52 (COR)

Pursuant to §7.04 of Rule VII of the 25th Standing Rules, transmitted herewith is a copy of the Committee Report on Bill No. 52 (COR), for which you are the prime sponsor.

Should you have any questions or need further information, please call the undersigned at 472-3464/5.


Josephine Brennan-Badley

Attachment

ACKNOWLEDGMENT RECEIPT
Received by: Ray Lopez
From: 4745 P
Date: 5/17/99



MINA' BENTE SINGKO NA LIHESLATURAN GUÅHAN
Kumitean Areklamento, Refotman Gubetnamento Siha, Inetnon di Nuebu, yan Asunton Fidirat

*Senadot Mark Forbes, Gehilu
Kabisiyon Mayuråt*

MAY 17 1999

Speaker Antonio R. Unpingco
I Mina' Bente Singko Na Liheslaturan Guåhan
155 Hesler Street
Hagåtña, Guam 96910

Dear Mr. Speaker:

The Committee on Rules, Government Reform, Reorganization and Federal Affairs, to which Bill No. 52 was referred, wishes to report its findings and recommendations **TO DO PASS BILL NO. 52, as substituted**, "An Act to Repeal P.L. No. 24-288, Temporarily Establish the Office of the Public Prosecutor and Permanently Establish the Office of the Elected Attorney General."

The voting record is as follows:

TO PASS	<u>3</u>
NOT TO PASS	<u>X</u>
ABSTAIN	<u>X</u>
TO PLACE IN INACTIVE FILE	<u>X</u>

Copies of the Committee Report and other pertinent documents are attached. Thank you and si Yu'os ma'ase for your attention to this matter.


MARK FORBES

Attachments



MINA' BENTE SINGKO NA LIHESLATURAN GUÅHAN
Kumitean Areklamento, Refotman Gubetnamento Siha, Inetnon di Nuebu, yan Asunton Fidirat

*Senadot Mark Forbes, Gehilu
Kabisiyon Mayuråt*

MEMORANDUM

TO: Committee Members

FR: Chairman ~~Mark Forbes~~

SUBJECT: Committee Report- Bill No. 52, as substituted, "An Act to Repeal P.L. No. 24-288, Temporarily Establish the Office of the Public Prosecutor and Permanently Establish the Office of the Elected Attorney General."

Transmitted herewith for your information and action is the report on Bill No. 52, as substituted, from the Committee on Rules, Government Reform, Reorganization and Federal Affairs.

This memorandum is accompanied by the following:

1. Committee Voting Sheet
2. Committee Report
3. Bill No. 52, as substituted
4. Public Hearing Sign-in Sheet
5. Fiscal Note/Fiscal Note Waiver
6. Notice of Public Hearing

Please take the appropriate action on the attached voting sheet. Your attention and cooperation in this matter is greatly appreciated.

Should you have any questions regarding the report or accompanying documents, please do not hesitate to contact me.

Thank you and si Yu'os ma'ase.



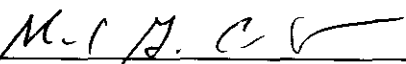


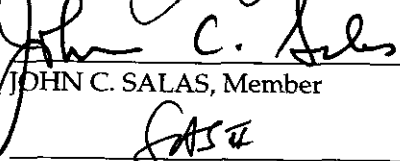

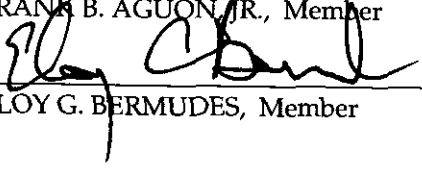
MARK FORBES

Attachments

Committee on Rules, Government Reform, Reorganization and Federal Affairs
I Mina' Bente Singko Na Liheslaturan Guáhan

Voting Record

Bill No. 52, as substituted, "An Act to Repeal P.L. No. 24-288, Temporarily Establish the Office of the Public Prosecutor and Permanently Establish the Office of the Elected Attorney General."

	<u>TO</u> <u>PASS</u>	<u>NOT TO</u> <u>PASS</u>	<u>ABSTAIN</u>	<u>INACTIVE</u> <u>FILE</u>
 MARK FORBES, Chairman	✓			
 EDDIE B. CALVO, Vice-Chairman	✓			
ANTHONY C. BLAZ, Member				
JOANNE M. S. BROWN, Member				
 MARCEL G. CAMACHO, Member	✓			
 LAWRENCE F. KASPERBAUER, Member	✗			
ALBERTO A. C. LAMORENA V., Member				
CARLOTTA A. LEON GUERRERO, Member				
 KALEO S. MOYLAIN, Member	✓			
 JOHN C. SALAS, Member	✓			
 SIMON A. SANCHEZ, II, Member	✓			
ANTONIO R. UNPINGCO, Member				
FRANK B. AGUON, JR., Member				
 ELOY G. BERMUDES, Member	✓			
VICENTE C. PANGELINAN, Member				

I Mina' Bente Singko Na Liheslaturan Guåhan

**Committee On Rules,
Government Reform, Reorganization & Federal Affairs
Senator Mark Forbes, Chairman**

Committee Report

on

Bill No. 52, as substituted,

**“An Act to Repeal P.L. No. 24-288, Temporarily Establish the
Office of the Public Prosecutor and Permanently Establish the
Office of the Elected Attorney General.”**

I. OVERVIEW

The Committee on Rules, Government Reform, Reorganization and Federal Affairs held public hearings on Thursday, February 18, 1999 and Wednesday, February 24, 1999 at 10:00 a.m. at I Liheslaturan Guahan. Public notice of the hearing was announced in the February 13, 18, 22, 23, and 24, 1999 issues of the Pacific Daily News.

Senators present were:

- Senator Mark Forbes, Chairman
- Senator Frank Aguon, Jr., Member
- Senator Eddie Calvo, Member
- Senator Eloy Bermudes, Member
- Senator Vicente Pangelinan, Member
- Senator Kaleo Moylan, Member
- Senator Simon Sanchez, Member

Appearing before the Committee were:

- Mr. Michael Stern, acting Attorney General
- Mr. John Tarantino, attorney

Providing written testimony:

- Phillip J. Tydingco, attorney (attached)

II. SUMMARY OF TESTIMONY

Mr. Michael Stern, acting Attorney General, testified before the Committee on Bill No. 52. He said he was against the idea of having a separate elected public prosecutor in the year 2000 just to have the prosecutor's office rejoin the attorney general's office two years later. Stern said there are advantages and disadvantages to having an elected prosecutor vs. having an elected attorney general.

Attorney John Tarantino testified before the Committee on Bill No. 52. He said the prosecution system is fragile and a very integral part of the judicial system. He said to take the prosecution division out of the attorney general's office without giving it the proper funding and manpower would be to expose the office to exploitation by defense attorneys.

Attorney Phillip J. Tydingco submitted testimony to the Committee on Bill No. 52. He wrote that he supports the concept of an elected public prosecutor for Guam but does not support the bill's scheme to have the prosecutor's office subsumed by the attorney general's office in two years.

III. FINDINGS AND RECOMMENDATION

The Committee on Rules, Government Reform, Reorganization and Federal Affairs finds that Bill No. 52, as substituted, addresses a long-standing need to have an independent elected official overseeing the prosecution of crimes on Guam while remaining accountable to the public for the office's performance.

Accordingly, the Committee on Rules, Government Reform, Reorganization and Federal Affairs, to which Bill No. 52 was referred does hereby submit its findings and recommendations to I Mina' Bente Singko Na Liheslaturan Guahan **TO DO PASS BILL NO. 52, as substituted**, "An Act to Repeal P.L. No. 24-288, Temporarily Establish the Office of the Public Prosecutor and Permanently Establish the Office of the Elected Attorney General."

February 24, 1999

Hon. Mark Forbes
Chairman, Committee on Rules, Government
Reform, Reorganization and Federal Affairs
Senator, I Mina' Bente Singko Na Liheslaturan Guahan

Re: Temporary Establishment of Elected Public Prosecutor and Permanent Establishment
of Elected of Attorney General (Bill No. 52 COR)

Dear Mr. Chairperson,

At least since 1997, I have provided oral and written testimony in support of the belief that Guam like all other American communities looks to our criminal justice system for "*law and order*" that is independent within the Government of Guam but directly accountable to the people of Guam. Indeed, a large majority of communities across the nation have established elected Prosecuting Attorneys or District Attorneys whose offices are separate and independent even from the offices of state Attorney Generals.

Although I support the intent of the bill as an attempt to make the prosecution of criminal cases directly accountable to the people of Guam, I do not support the statutory scheme of Bill No. 52 which would make the Office of the Public Prosecutor's only temporary until an Attorney General is elected in 2002. Notwithstanding the argument that it may be more economical for Guam (which is not conceded) to have the responsibilities and functions of the Office of the Public Prosecutor be subsumed by the Office of the elected Attorney General, I believe the public's demand for effective and just prosecution of crimes will be in effect "short changed" again. It will be nearly the same set of circumstances as in the past where the Attorney General's responsibilities and functions include many other areas of law (i.e., support for 44 line agencies, civil litigation, consumers' protection, family law, etc.) and criminal prosecution will not enjoy the focus and attention that a Public Prosecutor may devote to it.

Assuming Bill No. 52 in its current form is likely to become law, I would respectfully urge this legislature to amend provisions of the bill which would give flexibility to the elected Public Prosecutor in compensating deputy or assistant prosecutors which affects recruitment and retention, and also transfer administrative personnel from the Attorney General's office who are involved in the financial or budget and personnel processes (the AG's office can rely on other agencies of GovGuam like BBMR, DOA, etc); otherwise it will be about three and a half years before the Prosecutor's Office will be up to par and then probably take half of that time to transfer smoothly back to the elected Attorney General's Office.

Sincerely,


Phillip J. Tydingco, Esq.



MINA' BENTE SINGKO NA LIHESLATURAN GUÅHAN
Kumitean Areklamento, Refotman Gubetnamento Siha, Inetnon di Nuebu, yan Asunton Fidirat
Senator Mark Forbes, Chairman

FEB 10 1999

MEMORANDUM

TO: Chairman
Committee on Rules, Government Reform, Reorganization
and Federal Affairs

FROM: Chairman
Committee on Rules, Government Reform, Reorganization
and Federal Affairs

SUBJECT: Principal Referral – Bill No. 52

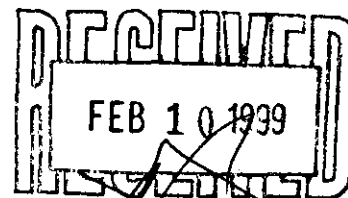
The above bill is referred to your Committee as the Principal Committee. In accordance with Section 6.04.05. of the Standing Rules, your Committee "shall be the Committee to perform the public hearing and have the authority to amend or substitute the bill, as well as report the bill out to the Body." It is recommended that you schedule a public hearing at your earliest convenience.

Thank you for your attention to this matter.

MARK FORBES

Attachment

Cc: Judiciary, Public Safety, Consumer Protection
And Human Resource Development- Secondary Referral



**MINA'BENTE SINGKO NA LIHESLATURAN GUAHAN
1999 (FIRST) Regular Session**

Bill No. 52 (COR)

As substituted by the Committee on Rules.

Introduced by:

Mark Forbes

**AN ACT TO REPEAL P.L. NO. 24-288 AND
ESTABLISH THE OFFICE OF THE PUBLIC
PROSECUTOR.**

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan*
3 finds that subsequent to the passage of Public Law No. 24-288, the United
4 States Congress amended the 1950 Organic Act of Guam to allow *I*
5 *Liheslaturan Guåhan* to create an elected Attorney General for Guam. At the
6 same time, Public Law No. 24-288 contained a provision that the first elected
7 Public Prosecutor would not be elected in the event that the Organic Act were
8 amended to permit an elected Attorney General. However, the Attorney
9 General of Guam could not be elected until the year 2002, leaving more than
10 three years remaining.

11 *I Liheslaturan Guåhan* finds that Guam has long been in need of an
12 elected Public Prosecutor, to bring accountability to the prosecution of

1 criminals. *I Liheslaturan Guåhan* therefore intends that Public Law No. 24-288
2 be repealed and re-enacted to create the Office of the Public Prosecutor.

3 **Section 2.** Chapter 36 of Title 5, Part 1 of Guam Code Annotated, as
4 added by Public Law No. 24-288, and Public Law No. 24-288 are hereby
5 repealed.

6 **Section 3.** Chapter 36 is hereby *added* to Division 3, Part 1 of Title 5 of
7 the Guam Code Annotated to read as follows:

8 **“CHAPTER 36.**

9 **OFFICE OF THE PUBLIC PROSECUTOR.**

10 **Section 36101. Office of the Public Prosecutor Established.**

11 There is within the Executive Branch of the government of Guam an
12 Office of the Public Prosecutor, which shall have legal jurisdiction over
13 all criminal prosecution on behalf of the people of Guam. Such
14 authority as resides prior to the enactment of this Section with the
15 Attorney General of Guam and his or her deputies, as well as the
16 Department of Law, to oversee, manage and otherwise effect criminal
17 prosecution on behalf of the people of Guam in any Court of Guam, the
18 District Court or any appeals arising therefrom, is hereby transferred to
19 the Office of Public Prosecutor and to the Public Prosecutor created
20 herein. All powers and authority enjoyed by the Attorney General
21 which is necessary in the performance of the duties assigned to the
22 Public Prosecutor are hereby given to the Public Prosecutor. All
23 references in Guam law or regulation with respect to criminal
24 prosecution that contain the terms ‘Attorney General’ or ‘Department of

1 Law' shall hereby be read and interpreted as referring to the 'Public
2 Prosecutor' or 'Office of the Public Prosecutor,' respectively.

3 This Chapter shall be interpreted *not* as abolishing the office of the
4 Attorney General, but as removing from the Attorney General all
5 responsibilities vested in the Attorney General prior to the enactment of
6 this Chapter relative to the prosecution, on behalf of the people of
7 Guam, of criminal offenses on Guam and the empowerment of the
8 Public Prosecutor established by this Chapter with such powers enjoyed
9 by the Attorney General needed to accomplish the purposes of this
10 Chapter.

11 **Section 36102. Public Prosecutor, Elected.** The Office of the
12 Public Prosecutor shall be administered by the Public Prosecutor of
13 Guam ('Public Prosecutor'), who shall be elected by the people of Guam
14 for a term of four (4) years. The election of the Public Prosecutor shall
15 occur during the General Election in which *I Maga'lahaen Guahan* is *not*
16 elected. A candidate for the position of Public Prosecutor shall declare
17 no political party affiliation. Candidates for Public Prosecutor shall be
18 subject to the same campaign and personal financial reporting
19 requirements as apply to candidates for *I Maga'lahaen Guahan*, as well as
20 all laws pertaining to campaign contributions. No person shall serve
21 more than two (2) consecutive terms as Public Prosecutor. No
22 nominating petition shall be required of a candidate for Public
23 Prosecutor.

1 A candidate for the position of Public Prosecutors shall file
2 candidacy with the Guam Election Commission in the manner similar to
3 a candidate for *I Maga'lahaen Guahan*, except as is not consistent with this
4 Chapter. There shall be no Primary Election for the position of Public
5 Prosecutor. All qualified candidates complying with the provisions of
6 this Chapter shall be placed on the General Election ballot. In the
7 General Election, the candidate receiving the most votes, subject to the
8 qualifications established by this Chapter, shall be certified by the Guam
9 Election Commission as having won election to the position of Public
10 Prosecutor. The Public Prosecutor shall be sworn into and take office on
11 the first Monday of the January following the General Election at which
12 the Public Prosecutor was elected and shall remain in office until the
13 election and swearing in of a new Public Prosecutor, unless removed
14 from office as provided for in this Chapter. The Public Prosecutor shall:

15 (a) be at least thirty-five (35) years of age;

16 (b) be a citizen of the United States and a resident of
17 Guam;

18 (c) be admitted to the practice of law on Guam for at least
19 five (5) years immediately preceding his or her candidacy for
20 office; and

21 (d) not have been convicted of a felony.

22 **Section 36103. Same: Removal or Vacancy.** The Public
23 Prosecutor may be removed in the same manner as provided under the
24 Organic Act of Guam for the removal of *I Maga'lahaen Guahan*. Should a

1 vacancy occur in the position of Public Prosecutor within eight (8)
2 months of the General Election in which the Public Prosecutor would
3 normally be elected, *I Maga'lahaen Guahan* shall appoint a person who
4 meets the qualifications for Public Prosecutor established in this
5 Chapter, such appointment being subject to the advice and consent of *I*
6 *Liheslaturan Guahan*, and such appointee to serve the balance of the term
7 only. If a vacancy occurs more than eight (8) months from the General
8 Election at which the Public Prosecutor would normally be elected, the
9 Guam Election Commission shall conduct a Special Election to fill the
10 vacancy for the balance of the term and shall request such funding from
11 *I Liheslaturan Guahan* as is required for this purpose.

12 **Section 36104. Deputy and Assistant Prosecutors.** Subject
13 to the availability of funds, the Public Prosecutor is authorized to
14 appoint a Deputy and any number of Assistant Prosecutors, provided
15 such appointees are admitted to the practice of law on Guam and
16 subject to the same qualifications as are current for Deputy and
17 Assistant Attorneys Generals. The Deputy Prosecutor and all Assistant
18 Prosecutors shall serve at the pleasure of the Public Prosecutor. The
19 Deputy and Assistant Prosecutors are delegated such authority as
20 deemed appropriate by the Public Prosecutor and are under the full
21 supervision and control of the Public Prosecutor.

22 **Section 36105. Compensation.** The Public Prosecutor shall be
23 compensated in twenty-six (26) equal installments an annual salary
24 based on ninety percent (90%) of the annual compensation of a judge of

1 the Superior Court of Guam. Compensation for the Deputy and
2 Assistant Prosecutors shall be established by the Civil Service
3 Commission.

4 **Section 36106. Defense of Persons Accused of Crime**
5 **Prohibited.** No Public Prosecutor, nor any attorney in the
6 employ of the Office of Public Prosecutor, shall act as counsel for any
7 person or entity accused of any crime on Guam."

8 **Section 4. Election of First Public Prosecutor.** Notwithstanding
9 any other provision of law, the election of the first Public Prosecutor shall
10 occur at the next General Election after the effective date of this Act. The first
11 Public Prosecutor shall be sworn into office thirty (30) days after the election
12 of the first Public Prosecutor. The first Public Prosecutor shall serve until the
13 election and swearing into office of a new Public Prosecutor, such election to
14 occur at the next General Election held in 2004. Thereafter, the election of the
15 Public Prosecutor shall occur in the manner described in Chapter 36.

16 **Section 5. Transfer of Assets and Employees.** Upon the election
17 and swearing into office of the first Public Prosecutor, all assets assigned to
18 the Prosecution Division of the Department of Law, inclusive of equipment,
19 shall be transferred to the Office of the Public Prosecutor. All employees
20 assigned to the Prosecution Division of the Department of Law shall be
21 transferred to the Office of the Public Prosecutor and shall receive no
22 reduction in pay as a result of such transfer. The balance of all amounts
23 budgeted, internally or otherwise, to the operations of the Prosecution
24 Division of the Department of Law, whether or not they have been released,
25 shall be transferred to the Office of the Public Prosecutor. Upon the election

1 of the first Public Prosecutor, the Attorney General is directed to assist the
2 Public Prosecutor in guaranteeing a smooth transition.

3 **Section 6.** Section 30109 of Chapter 30, Division 3, Part 1 of Title 5 of
4 the Guam Code Annotated is hereby *amended* so that any reference to the
5 Attorney General as the Public Prosecutor is deleted.

6 **Section 7.** Section 30109(a) of Chapter 30, Division 3, Part 1 of Title 5 of
7 the Guam Code Annotated is hereby *repealed*.

8 **Section 8.** Section 30104 of Chapter 30, Division 3, Part 1 of Title 5 of
9 the Guam Code Annotated is hereby *repealed*.

10 **Section 9. Effective Dates.** Section 2 of this Act is effective
11 immediately upon its enactment. All other Sections are effective upon the
12 election and swearing into office of the first Public Prosecutor.

13 **Section 10.** The Office of the Public Prosecutor shall receive an annual
14 budget pursuant to appropriation by *I Liheslaturan Guahan*, which shall be
15 disbursed to the Office in twelve (12) equal monthly installments. The budget
16 of the Public Prosecutor is *not* subject to the allotment process or the control of
17 the Bureau of Budget and Management Research, nor shall *I Maga'lahaen*
18 *Guahan* impound or transfer funds appropriated to the Public Prosecutor. On
19 a month where more than two (2) pay periods shall occur, the Department of
20 Administration shall release such funds required for the purpose of meeting
21 the operational needs of the Public Prosecutor for that month, provided a
22 sufficient balance of the appropriation remains.

23 **Section 11. Severability.** If any provision of this Law or its application
24 to any person or circumstance is found to be invalid or contrary to law, such

1 invalidity shall not affect other provisions or applications of this Law which
2 can be given effect without the invalid provisions or application, and to this
3 end the provisions of this Law are severable.

BUREAU OF BUDGET AND MANAGEMENT RESEARCH

Bill No. 52(COR) Date Received 2/22/98
 Amendatory Bill YES NO Date Reviewed 3/03/98
 Department/Agency Affected: Office of the Attorney General
 Department/Agency Head: Michael C. Stern, Acting
 Annual FY appropriation to Date: \$3,181,068

Bill Title (Preamble): An Act to repeal P.L. 24-288, temporarily establish the Office of the Public Prosecutor and permanently establish the Office of the Elected Attorney General.

Change in Law: Yes.

Bill's Impact on Present Program Funding:

Increase Decrease Reallocation No Change
 Bill is for: Operations Capital Improvement Other

FINANCIAL/PROGRAM IMPACT

ESTIMATED SINGLE-YEAR FUND REQUIREMENTS (Per Bill)

PROGRAM CATEGORY	GENERAL FUND	OTHER	TOTAL
Public Safety	1/		

ESTIMATED MULTI-YEAR FUND REQUIREMENTS (Per Bill)

FUND	1st	2nd	3rd	4th	5th	TOTAL
GENERAL FUND	1/					
OTHER						
TOTAL						

FUNDS ADEQUATE TO COVER INTENT OF THE BILL? YES/NO - IF NO, ADD'L AMT REQUIRED 1/
 AGENCY/PERSON/DATE CONTACTED: AG's Office / Felix Calvo / 2/24/99

ESTIMATED POTENTIAL MULTI-YEAR REVENUES

FUND	1st	2nd	3rd	4th	5th	TOTAL
GENERAL FUND	N/A					
OTHER						
TOTAL						

ANALYST Orilda J. Guerrero DATE 3/1/99 DIRECTOR Joseph E. Rivera, Acting DATE MAR 18 1999

FOOTNOTE(s):

1/ See attached comments on proposed legislation.

Comments on Bill 52(COR)

Bill No. 52 is an act to repeal P.L. 24-288 and to temporarily establish the Office of the Public Prosecutor and permanently establish the Office of the Elected Attorney General. P.L. 24-288 contained a provision that the first elected Public Prosecutor would not be elected in the event that the Organic Act were amended to permit an elected Attorney General. However, the Attorney General of Guam will not be elected until the year 2002, leaving more than three (3) years remaining. Therefore, the intent of the proposed legislation seeks to repeal P.L. 24-288; to repeal and re-enact Sections 30101, 30109, 30114, and add Section 30116, of Chapter 30, Division 3, Part 1 of Title 5 of the Guam Code Annotated relative to the creation of the Office of the Public Prosecutor to be effective until such time as there is an elected Attorney General and to create the Office of the elected Attorney General, to take effect in the year 2003, at which time the Public Prosecutor's office would then be merged into the new elected Attorney General's office.

Bill No. 52 if enacted into law poses a fiscal impact on the General Fund and will only further exacerbate the current fiscal condition. There would be costs associated with conducting an election although coinciding with the gubernatorial election for the Attorney General or on a special election for the Public Prosecutor. Moreover, there will be created within the Executive Branch an Office of the Public Prosecutor, until the first elected Attorney General is sworn in. The Office of the Public Prosecutor shall also receive an annual budget and is authorized to appoint a Deputy and any number of Assistant Prosecutors. Additionally, compensation for the Deputy and Assistant Prosecutors shall be established by the Civil Service Commission. However, once the Attorney General has been sworn in, all responsibilities, powers, and authorities given to the Office of the Public Prosecutor shall be transferred to the Office of the Attorney General. To date the Bureau has not received information requested from the Department of Law regarding the costs associated with the implementation of the Bill and, as such, absent additional data, the funding requirements that may materialize as a result of the proposed enactment of this legislation cannot be determined at this time.

LEGAL SECRETARY

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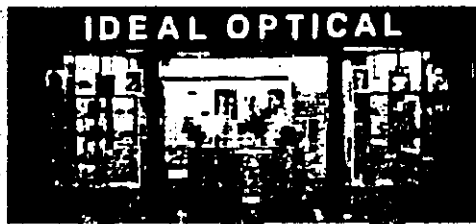
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Notice of Public Hearing

Committee on Rules, Government Reform, Reorganization and Federal Affairs
Senator Mark Forbes, Chairman
9:30 A.M. THURSDAY, FEBRUARY 18, 1999

- Bill 3 "An act to add a new §1510 to Article 5, Chapter 1, Division 1, Part 1 of Title 5 GCA, relative to requiring the Governor of Guam to receive bills from the Guam Legislature at all times."
- Bill 32 "An act to repeal §20101 et seq., Chapter 20, Division 3, Title 17 GCA and Chapter 19, Title 1 GCA and add a new Chapter 12, Title 2 GCA relative to creating the "Independent Budget Review Office" and consolidating the Office of the Public Auditor into the IBRO within I Libeslaturan Guåhan."
- Bill 33 "An act to amend 5 GCA to rename "Bureau of Budget Management Research" to "Department of Program Budgeting, Financial Management and Research" and repeal Chapter 4, 11 GCA, Chapter 4, 5 GCA to transfer and consolidate the duties, responsibilities and authorities of the Guam Finance Commission and Program Budgeting and Financial Management into the Department of Program Budgeting, Financial Management and Research."
- Bill 34 "An act to repeal and reenact Articles 2, 3, 4, 5, 6, 7 and 8 of "new" Chapter 9, Division 1 of Title 12 GCA to transfer, consolidate and integrate the duties, responsibilities and authorities conferred by statutes on the Council on the Arts and Humanities, Historical Objects and Sites, Guam Museum, Guam Public Library, Department of Parks and Recreation, Guam Visitors Bureau, and the Public Market into and create a new autonomous entity to be called "Guam Heritage and Tourism Authority" a Public Corporation."
- Bill 44 "An act to amend §2104 of Title 2, Guam Code Annotated, relative to imposing greater accountability in legislative appropriations and government spending."
- Bill 48 "An act to add a new §420 to Chapter 4 Title GCA designating "Guam U.S.A. where America's New Millennium Begins" as the new slogan for Guam for the next five years until December 31, 2003."
- Bill 52 "An act to repeal P.L. No. 24-299, temporarily establish the Office of the Public Prosecutor and permanently establish the Office of the Elected Attorney General."
- Bill 56 "An act to create the "Dipartamenton I Chamorro" or "Chamorro Heritage Institute."
- Bill 67 "An act to repeal and reenact §2103 of Chapter 2 of Title 2 GCA relative to clarifying the language making public hearings mandatory."
- Bill 68 "An act to repeal and reenact Chapter 9 of Title 2 GCA relative to prohibiting "phantom," unfunded government appropriation."
- Bill 69 "An act to add §833 to Article 1 of Title 1 GCA relative to renaming the Retirement Fund Building as the "Senator Jesus R. Quinone Retirement Fund Building."
- Bill 73 "An act to rename a section of University Drive to J. U. Torres Drive, in honor of Jesus U. Torres' contribution to the University of Guam as a fifteen term Chairman of the Board of Regents and his numerous contributions to the community as a legislator, judge, and civic leader."
- Bill 78 "An act to add §§10102(d) and 10103.1 and to repeal and reenact §§10103/4/5/6/7/8(b) and 10110 of Article 1 Chapter 8, SGCA relative to providing greater disclosure and accountability within the government of Guam."
- Bill 80 "An act to add new §2108 to 2GCA relative to expanding the scope of information provided to the public by publishing a list of all bills introduced by members of I Libeslaturan Guåhan."

Hearing will take place in the Conference Room
Office of Senator Mark Forbes, I Libeslaturan Guåhan, Hagåtña, Guam
The Public is Invited to Participate

Individuals requiring special accommodations, auxiliary aids or services are asked to contact the Office of Senator Forbes at 472-3512

POLICE BLOTTER

Arrests

Yesterday

▲ Pedro Aguon Quinata, 45, of Yigo was arrested on a charge of possession of a controlled substance. He was booked and confined.

▲ Raymond Junior Uson, 18, of Tumon was arrested on charges of possession of a controlled substance and jurisdiction over adult. He was booked and released.

▲ Andres Martin Ambrose, 36, of Harmon was arrested on a charge of DUI. He was booked and released.

▲ Kinoy Phillip, 28, of Tumon was arrested on a charge of

fraudulent use of a credit card. He was booked and released.

▲ Perry Dean Siguenza, 24, of Agat, was arrested on a charge of possession of a controlled substance. He was booked and released.

Tuesday

▲ Ronny Borja Cruz, 36, of Tolofofo was arrested on warrant of arrest. He was booked and confined.

Names as spelled in the blotter are provided by the Tactical Operations Command of the Guam Police Department.

GOVERNMENT MEETINGS

BOARD OF EXAMINERS FOR PHARMACY: 8 a.m., Feb. 18, Health Professional Licensing office, 1302 E. Sunset Blvd., Tiyon. Agenda copies available at 1304 E. Sunset Blvd. Those with disabilities who need special accommodations, etc., should call 475-0251/2.

DIVISION OF SUPPORT SERVICES FOR INDIVIDUALS WITH DISABILITIES COUNCIL (DSSIDC): Regular monthly meeting 4 p.m., Feb. 18, Division of Voc. Rehab. conference room, B-8-2300 Central Ave., Tiyon. Those with disabilities who need special accommodations, etc., should call Vic Borja, 475-4624/10 or TTY 477-9183. ADA accessible; interpreter provided.

CIVIL SERVICE COMMISSION BOARD: 5:30 p.m., Feb. 18, CSC conference room, 490 Chalan Palasyo, Agaña Heights. Motion hearing on appeal of Jose S. Cruz vs., GFD; motion hearing on adverse action appeal of Michael C. Hocog vs. DOE, dismissal, probational; general business; executive session. For more information call 475-1300/01.

JUVENILE JUSTICE ADVISORY COMMITTEE: Noon, Feb. 18, DYA conference room, Mangilao. All members urged to attend. Important matters. Those with disabilities who need special accommodations should call Al Wooten, 734-3911.

GLUC: Public hearing Feb. 18, Dededo mayor's office, for Teresita Santos Wilson, Lot 10111-10-2, Dededo, conditional use permit for proposed retail in an "A" zone. For more information call 475-5212.

INTERAGENCY LEADERSHIP CONSORTIUM (ILC): 3-5 p.m., Feb. 18, 18 Dean's Circle, UOG. Advocates, Gov-Guam agency representatives, non-profit organizations and DOD representatives serving special needs of those with disabilities invited. Those who need more information or those with disabilities who need special accommodations, etc., should call Ben Servino, 735-2490-3 (voice) or 734-8378 (TDD) or fax 734-5709, or e-mail gsa@iie.net

COMMITTEE ON RULES, GOVERNMENT REFORM, REORGANIZATION AND FEDERAL AFFAIRS: Public hearing 9:30 a.m., Feb. 18, Sen. Mark Forbes's office conference room, 1 Liheslaturan Guahan, Hagåtña. Bills 3, 32, 33, 38, 44, 48, 52, 56, 67, 68, 69, 73, 78, 80. Public invited. Those with disabilities who need special accommodations, etc., should call 472-3512.

THURSDAY BINGO BONANZA!!!

TEL. #: 649-7961 • ASPAC INDUSTRIAL PARK • HARMON, GUAM

Sponsored By: Pangasinan Community Of Guam

FEB. 18, 1999 • DOORS OPEN AT 4:00 PM • GAMES START AT 7:00 PM

\$5,000.00 - SPECIAL GAME

\$4,000.00 - (4) BONUS GAMES - (\$1,000.00 ea.)

\$3,500.00 - (7) REGULAR GAMES - (\$500.00 ea.)

TO PLAY 1 ACROSS - \$25.00, 2 ACROSS \$40.00, 3 ACROSS - \$60.00



w/One FREE Package • CARD SALES - 2 For \$5.00



COME AND PLAY BINGO AT ITS BEST. WATCH FOR OUR MONDAY NIGHT SUPER BINGO BONANZA ON FEB. 22, 1999. TOTAL PAYOFF: \$50,000. MINIMUM PURCHASE (\$110.00) TO PLAY 4 ACROSS. \$100,000 SUPER BIG BINGO BONANZA RESCHEDULED AT A LATER DATE TO BE ANNOUNCED.

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Giant Screen Presentation Wednesday, Feb. 24 at The Parc Hotel

Over 130,000 people at 200 sites in the United States and in dozens of other countries around the globe have seen this unique and compelling all-day event. Now you can see it in Guam! Starts promptly at 8:30.

\$149.00 per person (includes workbook, lunch, coffee breaks) • group pricing available

Citibank customers: \$99.00 with proof of Citibank relationship - Citicard or bank statement

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Call 635-7501 for reservations — Seating is limited**

MANUFACTURER'S SERVICE REPRESENTATIVE (SERVICE MANAGER)

Supervise and manage installation, service and repair of air-conditioning, ventilation, and building automation controls equipment and systems in residential and commercial projects utilizing knowledge of refrigeration, air conditioning, and micro-electronic controls following blueprints and engineering specifications. Supervise commissioning and start-up of commercial chillers and package units using appropriate tools and devices. Interface with architects, mechanical designers, plant engineers and building owners regarding HVAC equipment and systems using load calculation program and systems analyzer. Design and coordinate activities of service technician team. Interpret specifications, blueprints, and job orders to technicians and assign duties. Establish work procedures and estimate work-hour requirements for timely completion of job assignments. Estimate, requisition, and inspect direct project materials and approve procurement of tools. Confer with company sales engineers to coordinate sales and service functions. Facilitate warranty claims. Develop technician training program. Prepare service department operating budget.

Bachelor's degree in mechanical or electrical engineering plus five years experience in installation, sales or service of HVAC systems and components. One year experience in supervisory position. Experience with alternative refrigerant systems. Ability to monitor and control remote HVAC installations. 30% travel within Micronesia area. References: \$36,576 per year. 40 hours per week. Apply immediately at Guam Employment Service with the One Stop Career Center, 125 Tun Jesus Crisostomo St. Suite 101 (Sunny Plaza) Tamuning, Guam 96911. REF. #980809.

BENEFITS: One Way Airfare from point of origin.

FLETCHER PACIFIC Micronesia

SEMI-TRACTOR TRAILER OPERATOR

Fletcher Pacific Construction Co., Ltd. (Guam) is seeking a semi-tractor trailer operator for its Guam Equipment Center division located in Harmon, Guam. Prospective candidate must have a minimum of 5 years' experience in operating heavy vehicles, ability to troubleshoot mechanical problems, hold a valid Guam driver's license with A, B & C classification, and meet D.O.T. medical requirements.

Applicants must submit a resume demonstrating a successful work history. Salary commensurate with experience and benefits package. Successful candidate must submit to drug & alcohol testing. Please provide police clearance report when submitting resume or application.

An EEO/AA EMPLOYER

All resumes and applications will be treated in strictest confidence and should be directed to the Administration Manager

FLETCHER PACIFIC CONSTRUCTION CO., LTD. (GUAM)
P.O. Box 23068-GMF
Barrigada, Guam 96921
FAX: 671-647-5600

PROJECT ADMINISTRATOR

A-D Sanford & Co. is looking for a reliable individual who meets the following requirements:

- Organized, self-motivated and goal oriented
- Proficient with MS Project and MS Office Pro '97
- Efficient office management and accounting skills
- Excellent communication skills
- Capable of working with minimal supervision

Apply in person.

Located in the Agaña Shopping Center, 2nd floor, next to Microage. Monday - Friday • 9am - 4pm



Suite 118A Agaña Shopping Center, Agaña, Guam 96910
Fax: (671) 472-2893 • Tel: (671) 472-6165/2894

The Department of Labor is currently seeking for individuals w/2 yrs exp. to fill the following positions:

10-CARPENTERS\$11.25/Hr.

Constructs, erects, installs and repairs structures and fixtures of wood, plywood and wall board. Studies blueprints, sketches or building plans for information pertaining to type of materials required. Selects specified number of other materials. Assembles, cuts and shapes materials. Erects scaffolds and frameworks. Uses carpenter's hand tools and power tools.

5-CEMENT MASON\$10.83/Hr.

Lays concrete block, mixed cement using hand tools and power tools. Smooths and finishes surface to poured concrete floors, walls, sidewalks or curbs to specified textures using hand tools or power tools including floats, trowels and screeds; spreads concrete to specified depth and workable consistency using float to bring water to surface and produce soft topping levels, smooth and shapes surfaces of freshly poured concrete using straightedge, float or power screed; finishes concrete using power trowel or wets and rubs concrete with abrasive stone to impart finish, removes rough or defective spot and patches with fresh concrete, mixes cement.

14-PLASTERERS\$9.57/Hr.

Applies coats of plaster to interior walls, ceilings and partitions of buildings, to produce finished surface according to blueprints, architect's drawings or oral instructions. Uses hand tools or portable power tools. Spreads plaster over lath or masonry base using trowel and smooth plaster with darby and float to attain uniform thickness.

18-REINFORCING METAL WORKER\$9.92/Hr.

Positions and secures steel bars in concrete form to reinforce concrete. Determines numbers, sizes, shapes and locations of reinforcing rods from blueprints, sketches or oral instructions. Select and places rods in forms, spacing and fastening them together.

Interested applicants, please apply at Guam Employment Service with the One Stop Career Center, 125 Tun Jesus Crisostomo St., Suite 101 Tamuning, Guam 96911 (Sunny Plaza) (Ref. No. 990114)

TEMPORARY JOB OPENINGS w/ 2 YRS. EXPERIENCE

3 PLASTERERS \$9.57/hr

Duties: Apply coats of plaster to interior walls, ceilings, and building to produce finished surfaces according to blueprints, architect's drawing or oral instructions. Direct workers to mix plaster to desired consistency and to erect scaffolds. Spread plaster, over lath or masonry board, using trowel and smooths plaster with darby and float to attain uniform thickness.

1 CEMENT MASON \$10.83/hr

Duties: Lays concrete blocks, mixes cement using shovel, hand tools and mixing machine. Smooths finished of poured concrete floors, sidewalks, or curbs to specified textures, using hand and power tools including floats, screeds to specified depth and workable consistency. Studies blueprints & plans pertaining to type of materials.

1 CARPENTER\$11.25/hr

Duties: Construct, erect, install and repair structures and fixtures of wood, plywood and wallboard. Studies blueprints sketches or bldg. plans for info. pertaining to type of materials req. Select specified lumber or other materials. Assembles, cuts, and shapes materials. Erect scaffolds and framework. Uses carpenters hand and power tools.

Interested applicants, please apply at Guam Employment Service at one Stop Career Center, 125 Tun Jesus Crisostomo Suite 101, (Sunny Plaza), Tamuning, Guam 96911. Ref. # 990214



Notice of Public Hearing

Senator Mark Forbes, Chairman

Committee on Rules, Government Reform, Reorganization & Federal Affairs

Wednesday, February 24, 1999 at 10:00AM

The Committee will be conducting a second Public Hearing on the following bills:

Bill No. 3 "An act to add a new §1510 to Article 5, Chapter 1, Division 1, Part 1 of Title 5 GCA, relative to requiring the Governor of Guam to receive bills from the Guam Legislature at all times."

Bill No. 32 "An act to repeal §20101 et seq., Chapter 20, Division 3, Title 17 GCA and Chapter 19, Title 1 GCA and add a new Chapter 12, Title 2 GCA relative to creating the "Independent Budget Review Office" and consolidating the Office of the Public Auditor into the IBRO within I Liheslaturan Guåhan."

Bill No. 33 "An act to amend Article 3, Chapter 1, Division 1 of 5 GCA to rename "Bureau of Budget & Management Research" to "Department of Program Budgeting, Financial Management and Research" and repeal Chapter 4, Division 1 of 11 GCA and Chapter 4, Division 1 of Title 5 GCA to transfer and consolidate the duties, responsibilities and authorities of the Guam Finance Commission and Program Budgeting and Financial Management and into the Department of Program Budgeting, Financial Management and Research by adding sub-article 3.1 and 3.2 to Article 3, Chapter 1, Division 1, 5 GCA."

Bill No. 38 "An act to repeal Chapter 85, Division 8, of Title 5 GCA; Chapter 76, Division 2 of Title 21 GCA; Chapter 83, Division 8 of Title 5 GCA; Chapter 80, Division 8 of Title 5 GCA; Chapter 77, Division 2 of Title 21 GCA; Chapter 9, Division 1 of Title 12 GCA and Article 4, Chapter 70, Division 7 of Title 5 GCA and reenact as Articles 2,3,4,5,6,7, and 8 of "new" Chapter 9, Division 1 of Title 12, GCA to transfer, consolidate and integrate the duties, responsibilities and authorities conferred by statutes on the Council on the Arts and Humanities, Historical Objects and Sites, Guam Museum, Guam Public Library, Department of Parks and Recreation, Guam Visitors Bureau, and the Public Market into and create a new autonomous entity to be called "Guam Heritage and Tourism Authority" a public corporation by adding a "new" chapter 9 to Division 1 of Title 12 GCA."

Bill No. 44 "An act to amend §2104 of Title 2 GCA, relative to imposing greater accountability in legislative appropriations and government spending."

Bill No. 48 "An act to add a new §420 to Chapter 4, Title 1 GCA, designating "Guam, U.S.A., Where America's New Millennium Begins" as the new slogan for Guam for the next five years until December 31, 2003."

Bill No. 52 "An act to repeal PL No. 42-288, temporarily establish the Office of the Public Prosecutor and permanently establish the Office of the Elected Attorney General."

Bill No. 56 "An act to create the "Dipattementon I Chamorro" or "Chamorro Heritage Institute."

Bill No. 67 "An act to repeal and reenact §2103 of Chapter 2 of Title 2 GCA, relative to clarifying the language making public hearings mandatory."

Bill No. 68 "An act to repeal and reenact Chapter 9 of Title 2 GCA relative to prohibiting "phantom" unfunded government appropriations."

Bill No. 69 "An act to add §822 to Article 1 of Title 1 GCA relative to renaming the Retirement Fund Building as the "Senator Jesus R. Quione Retirement Fund Building."

Bill No. 73 "An act to rename a section of University Drive to J.U. Torres Drive in honor of Jesus U. Torres' contribution to the University of Guam as a fifteen term chairman of the Board of Regents and his numerous contributions to the community as a legislator, judge, and civic leader."

Bill No. 78 "An act to add §§10102(d) and 10103.1; and to repeal and reenact §§10103, 10104, 10105, 10106, 10107, 10108(b) and 10110 of Article 1, Chapter 8 of Title 5GCA, relative to providing greater disclosure and accountability within the government of Guam."

Bill No. 88 "An act to add a new §2108 to Title 2 GCA, relative to expanding the scope of information provided to the public by publishing a list of all bills introduced by members of I Liheslaturan Guåhan."

The Committee will also be conducting a first Public Hearing on the following bills:

Bill No. 53 "An act to reform the Sunshine Act of Guam to expedite public information requests and allow electronic requests for information, to be known as "The Sunshine Reform Act of 1999."

Bill No. 92 "An act to amend Public Law 24-327."

Bill No. 93 "An act to amend Public Law 24-219."

Hearing will take place in the Conference Room

Office of Senator Mark Forbes, I Liheslaturan Guåhan, Hagåtña, Guam

The Public is Invited to Participate

Individuals requiring special accommodations, auxiliary aids or services are asked to contact the Office of Sen. Forbes at 472-3122.

GOVERNMENT MEETINGS

DEPARTMENT OF PUBLIC HEALTH & SOCIAL SERVICES' WIC PROGRAM: Meeting on island nutritionists' licensure legislation noon-1 p.m., Feb. 23, WIC conference room, Building 15-6100 Mariner Drive, Tiyan. Interested nutritionists welcome. For more information call Charles Morris, 4785-0290.

MASS TRANSIT AUTHORITY BOARD OF DIRECTORS: 6 p.m., Feb. 23, center's conference room, Hagåtña. Those with disabilities who need special accommodations, etc., should call Perez at 475-4682 or TDD 475-4601.

CIVIL SERVICE COMMISSION BOARD: 5:30 p.m., Feb. 23, CSC conference room, 490 Chalan Palasyo, Agaña Heights. Grievance appeal of Bruce C. Garrido vs. DepCor; general business; executive session. For more information call 475-1300/01.

COMMISSION ON DECOLONIZATION'S INDEPENDENCE TASK FORCE: 6:30 p.m., Feb. 23, 623 E. Sunset Blvd., Tiyan. For more information call 475-9222.

SOUTHERN GUAM SOIL & WATER CONSERVATION DISTRICT: Regular monthly meeting 6:30 p.m., Feb. 23, Southern Comfort Ranch, Merizo. All interested people welcome.

BOARD OF REGISTRATION FOR

PROFESSIONAL ENGINEERS, ARCHITECTS & LAND SURVEYORS: Special meeting 8:30 a.m., Feb. 23, board office. All members asked to attend. For more information call 646-3115.

COMMITTEE ON NATURAL RESOURCES: Oversight hearings 9:45 a.m., Feb. 23, 1 Liheslaturan Guahan public hearing room, Hagåtña. 9 a.m., Division of Aquatic and Wildlife, Department of Agriculture. 9:45 a.m., GEPA. For more information call the office of Sen. Joanne Brown, 472-3450/1.

CHAMORRO REGISTRY ADVISORY BOARD: Feb. 24 meeting postponed until further notice. For more information call Teresa Toitono, 475-4259.

ALCOHOLIC BEVERAGE CONTROL BOARD: 5 p.m., Feb. 24, Department of Revenue & Taxation director's conference room, 2nd floor, 13-1 Mariner Ave., Tiyan. Those with disabilities who need special accommodations, etc., should call 475-1790.

BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS, ARCHITECTS & LAND SURVEYORS: Special meeting 8:30 a.m., Feb. 24, board office. All members asked to attend. For more information call 646-

3115.
HOUSING CORPORATION AND RENTAL CORPORATION BOARD OF DIRECTORS: 5 p.m., Feb. 24, Building 6-5000 E. Sunset Blvd., Tiyan. Agenda copies available upon request. For more information call 475-4927.

PLANNING COUNCIL: 2 p.m., Feb. 24, Governor's Cabinet conference room, RJB complex, Adelup. Those with disabilities who need special accommodations, etc., should call 472-9770/1 or fax 472-9772.

GMHA BOARD OF TRUSTEES: 5 p.m., Feb. 24, GMHA board room, 1st floor, Tamuning. Financial matters and committee reports. Executive session to follow. Those with disabilities who need special accommodations, etc., should call Toni Villavicencio, 647-2218.

GHURA BOARD OF COMMISSIONERS: 5 p.m., Feb. 24, GHURA conference room. Those with disabilities who need special accommodations, etc., should call Michael Duenas, 477-9851/4 or TTY/TDD 472-3701.

CIVIL SERVICE COMMISSION BOARD: 5:30 p.m., Feb. 24, CSC conference room, 490 Chalan Palasyo, Agaña Heights. Continuation of grievance appeal of Bruce C. Garrido vs. DepCor; new business;

general business; executive session. For more information call 475-1300/01.

COMMITTEE ON RULES, GOVERNMENT REFORM, REORGANIZATION AND FEDERAL AFFAIRS: Second public hearing 10 a.m., Feb. 24, Sen. Mark Forbes' conference room, 155 Hesler St., Hagåtña. Bills 3, 32, 33, 38, 44, 48, 52, 56, 67, 68, 69, 73, 78, 80. Also first public hearing on Bills 53, 92, 93.

'99 SOUTH PACIFIC GAMES COMMISSION: Special meeting 9 a.m., Feb. 24, 109 A St., Tiyan. Agenda copies available at commission's office.

COMMISSION ON LICENSURE: Noon, Feb. 24, Health Professional Licensing office, 1302 E. Sunset Blvd., Tiyan. Those with disabilities who need special accommodations, etc., should call 475-0251/2.

COMMITTEE ON HOUSING, GOVERNMENT SERVICES AND FOREIGN AFFAIRS: Public hearing 9 a.m., Feb. 24, 1 Liheslaturan Guahan public hearing room, Hagåtña. Bills 4(LS) and 8(LS), 36 (LS), 82 (cor). For more information call office of Sen. Moylan, 472-3342/3.

COMMITTEE ON NATURAL RESOURCES: Public meeting 7 p.m., Feb. 24, 1 Liheslaturan Guahan public hearing room, Hagåtña. For more

information call the office of Sen. Joanne Brown, 472-3450/1.

GMHA BOARD OF DIRECTORS: 5 p.m., Feb. 24, GMHA board room, first floor, Tamuning. Financial matters and committee reports. Executive session to follow. Those with disabilities who need special accommodations, etc., should call Toni Villavicencio, 647-2218.

GEDA BOARD OF DIRECTORS: Special meeting 10 a.m., Feb. 24, Suite 511, 5th floor, ITC Building, Tamuning. Those with disabilities who need special accommodations, etc., should call Bernard Punzalan, 647-4332.

GTA BOARD OF DIRECTORS: 6 p.m., Feb. 25, GTA conference room, administration building, Tamun. For accommodations call 479-8607.

CIVIL SERVICE COMMISSION BOARD: 5:30 p.m., Feb. 25, CSC conference room, 490 Chalan Palasyo, Agaña Heights. Continuation of grievance appeal of Bruce C. Garrido vs. DepCor; request for approval of DOE personnel rules and regulations; pay policy for physicians and dentists, pursuant to 4 GCA, Section 6209; general business; executive session. For more information call 475-1300/01.

POLICE BLOTTER

Arrests:

Monday

▲ Pete Raymond Guzman, 42, of Maina was arrested on a warrant of arrest. He was booked and confined.

▲ Philip Mejia Pamintuan, 32, of Yigo was arrested on a warrant of arrest. He was booked and confined.

▲ Douglas Pak, 27, of Yigo was arrested on charges of family violence, unauthorized use of a motor vehicle and a warrant of arrest. He was booked and confined.

▲ Michael James Richardson, 21, of Yigo was arrested on a charge of family violence. He was booked and confined.

▲ Lawrence Albert Richardson, 24, of Yigo was arrested on a charge of family violence. He was booked and confined.

Sunday

▲ Aries Angeles Martzana, 19, of Dededo was arrested on charges of reckless endangerment, disorderly conduct, obstruction of a public road-

way, illegal parking, criminal facilitation and drag racing without a permit. He was booked and released.

▲ Norma Jean Santos Hooag, 29, of Dededo was arrested on a charge of possession of a controlled substance. She was booked and released.

▲ Clarence Lawrence Quintonilla, 30, of Agot was arrested on charges of violation of probation and public intoxication. He was booked and confined.

▲ Linda Lov Hunt, 44, of Tamuning was arrested on charges of assault and disorderly conduct. She was booked and released.

▲ Sutenoi Ichin, 22, of Agaña Heights was arrested on a charge of criminal mischief. He was booked and released.

Names as spelled in the blotter are provided by the Tactical Operations Command of the Guam Police Department.

GOVERNMENT MEETINGS

Pacific Daily News, Wednesday, February 24, 1999

CONSUMER REGISTRY ADVISORY BOARD: Feb. 24 meeting postponed until further notice. For more information call Teresa Iaitano, 475-4259.

ALCOHOLIC BEVERAGE CONTROL BOARD: 5 p.m., Feb. 24, Department of Revenue & Taxation director's conference room, 2nd floor, 13-1 Mariner Ave., Tiyon. Those with disabilities who need special accommodations, etc., should call 475-1790.

BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS, ARCHITECTS & LAND SURVEYORS: Special meeting 8:30 a.m., Feb. 24, board office. All members asked to attend. For more information call 646-3115.

HOUSING CORPORATION AND RENTAL CORPORATION BOARD OF DIRECTORS: 5 p.m., Feb. 24, Building 6-5000 E. Sunset Blvd., Tiyon. Agenda copies available upon request. For more information call 475-4927.

PLANNING COUNCIL: 2 p.m., Feb. 24, Governor's Cabinet conference room, R/B complex, Agdelup, P.L. 24-171; assess risks/costs, develop incentives for nonconforming structures, reclassify lots to IDs 3 and 8; other matters. Those with disabilities who need special accommodations, etc., should call 472-9770/1 or fax 472-9772.

GMHA BOARD OF TRUSTEES: 5 p.m., Feb. 24, GMHA board room, 1st floor, Tamuning. Financial matters and committee reports. Executive session to follow. Those with disabilities who need special accommodations, etc., should call Toni Villavicencio, 647-2218.

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COMMITTEE ON HOUSING, GOVERNMENT SERVICES AND FOREIGN AFFAIRS: Public hearing Feb. 24 postponed. For more information call office of Sen. Maylan, 472-3342/3.

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GMHA BOARD OF DIRECTORS: 5 p.m., Feb. 24, GMHA board room, 1st floor, Tamuning. Financial matters and committee reports. Executive session to follow. Those with disabilities who need special accommodations, etc., should call Toni Villavicencio, 647-2218.

GEDA BOARD OF DIRECTORS: Special meeting 10 a.m., Feb. 24, Suite 511, 5th floor, ITC Building, Tamuning. Those with disabilities who need special accommodations, etc., should call Bernard Punzalan, 647-

4332.

GTA BOARD OF DIRECTORS: 6 p.m., Feb. 25, GTA conference room, administration building, Tamon. For accommodations call 479-8607.

CIVIL SERVICE COMMISSION BOARD: 5:30 p.m., Feb. 25, CSC conference room, 490 Chalan Palasyo, Agana Heights. Continuation of grievance appeal of Bruce C. Garrido vs. DepCor; request for approval of DOE personnel rules and regulations; pay policy for physicians

and dentists, pursuant to 4 GCA, Section 6209; general business; executive session. For more information call 475-1300/01.

GVB BOARD OF DIRECTORS: 4 p.m., Feb. 25, GVB main conference room, Tamon. Those with disabilities who need special accommodations, etc., should call 646-5278/9.

COMMISSION ON DECOLONIZATION'S FREE ASSOCIATION TASK FORCE: 6:30 p.m., Feb. 25, 623 E. Sunset Blvd., Tiyon. For more information call 475-9222.

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MINA'BENTE SINGKO NA LIHESLATURAN GUAHAN
1999 (FIRST) Regular Session

Bill No. 52 (COR)

Introduced by:

Mark Forbes 

**AN ACT TO REPEAL P.L. NO. 24-288, TEMPORARILY
ESTABLISH THE OFFICE OF THE PUBLIC
PROSECUTOR AND PERMANENTLY ESTABLISH
THE OFFICE OF THE ELECTED ATTORNEY
GENERAL.**

1 **BE IT ENACTED BY THE PEOPLE OF GUAM:**
2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan*
3 finds that subsequent to the passage of Public Law No. 24-288, the United
4 States Congress amended the 1950 Organic Act of Guam to allow *I*
5 *Liheslaturan Guåhan* to create an elected Attorney General for Guam. At the
6 same time, Public Law No. 24-288 contained a provision that the first elected
7 Public Prosecutor would not be elected in the event that the Organic Act were
8 amended to permit an elected Attorney General. However, the Attorney
9 General of Guam will not be elected until the year 2002, leaving more than
10 three (3) years remaining.

1 *I Liheslaturan Guåhan* finds that Guam is in dire need of an elected Public
2 Prosecutor, until such time as an elected Attorney General is sworn into
3 office. An elected prosecutor would bring needed accountability to the
4 prosecution of criminals. *I Liheslaturan Guåhan* therefore intends that Public
5 Law No. 24-288 be repealed and re-enacted to create the Office of the Public
6 Prosecutor to be effective until such time as there is an elected Attorney
7 General.

8 *I Liheslaturan Guåhan* also intends to create the office of the elected
9 Attorney General, to take effect in the year 2003, with the first election for
10 Attorney General to be held in the General Election in 2002. The Public
11 Prosecutor's office would then be merged into the new elected Attorney
12 General's office.

13 **Section 2.** Chapter 36 of Title 5, Part 1 of Guam Code Annotated, as
14 added by Public Law No. 24-288, and Public Law No. 24-288 are hereby
15 repealed.

16 **Section 3.** Section 30101 of Chapter 30, Division 3, Part 1 of Title 5 of the
17 Guam Code Annotated is hereby repealed and re-enacted to read as follows:

18 "**Section 30101. Attorney General.** (a) The Department of Law of the
19 government of Guam shall be administered by the Attorney General of Guam,
20 who shall be elected by the people of Guam for a term of four (4) years.

21 (b) A candidate for the position of Attorney General of Guam shall declare no
22 political party affiliation. Candidates for Attorney General of Guam shall be
23 subject to the same campaign and personal financial reporting requirements
24 as apply to candidates for *I Maga'lahaen Guahan*, as well as all laws pertaining

1 to campaign contributions. No nominating petition shall be required of a
2 candidate for Attorney General of Guam.

3 A candidate for the position of Attorney General of Guam shall file
4 candidacy with the Guam Election Commission in the manner similar to a
5 candidate for *I Maga'lahaen Guahan*, except as is not consistent with this section.
6 There shall be no Primary Election for the position of Attorney General of
7 Guam. All qualified candidates complying with the provisions of this section
8 shall be placed on the General Election ballot. In the General Election, the
9 candidate receiving the most votes, subject to the qualifications established by
10 this Chapter, shall be certified by the Guam Election Commission as having
11 won election to the position Attorney General. The Attorney General shall be
12 sworn into and take office on the first Monday of the January following the
13 General Election at which the Attorney General was elected and shall remain
14 in office until the election and swearing in of a new Attorney General, unless
15 removed from office as provided for in this section. The Public Prosecutor
16 shall:

- 17 (1) be at least thirty-five (35) years of age;
- 18 (2) be a citizen of the United States and a resident of
19 Guam;
- 20 (3) be admitted to the practice of law on Guam for at least
21 five years immediately preceding his or her candidacy for office;
22 and
- 23 (4) not have been convicted of a felony.

1 (c) The Attorney General of Guam may be removed in the same manner as
2 provided under the Organic Act of Guam for the removal of *I Maga'lahren*
3 *Guahan*. As provided in the Organic Act of Guam, a vacancy in the position of
4 Attorney General shall be filled:

5 (1) by appointment by *I Maga'lahren Guahan* if such vacancy occurs less than
6 six (6) months before a General Election for the Office of the Attorney General
7 of Guam; or

8 (2) by a special election held no sooner than three (3) months after such
9 vacancy occurs and no later than six (6) months before a general election for
10 Attorney General of Guam, and by appointment by *I Maga'lahren Guahan*
11 pending a special election under this subparagraph.

12 **Section 4.** Section 30109, Subsection h of Chapter 30, Division 3, Part 1 of Title
13 5 of the Guam Code Annotated is hereby repealed and re-enacted to read as
14 follows:

15 “(h) Perform such other duties as are required by law.”

16 **Section 5.** Section 30114 of Chapter 30, Division 3, Part 1 of Title 5 of the
17 Guam Code Annotated is hereby repealed and re-enacted to read as follows:

18 **“Section 30114. Rules and Regulations.** Notwithstanding any
19 other provision of law, the Attorney General shall make rules and
20 regulations, not inconsistent with law, for the conduct of the
21 Department of Law, but such rules and regulations shall become
22 effective only upon approval of *I Liheslaturan Guahan*. Rules and
23 regulations shall not be inconsistent with the personnel rules and
24 regulations of the government of Guam.”

1 **Section 6.** Section 30116 of Chapter 30, Division 3, Part 1 of Title 5 of the
2 Guam Code Annotated is hereby added to read as follows:

3 **“Section 30116. Compensation.** The Attorney General shall be compensated
4 in twenty-six (26) equal installments an annual salary based on ninety percent
5 (90%) of the annual compensation of a judge of the Superior Court of Guam.”

6 **Section 7. Budget.** The Office of the elected Attorney General shall receive an
7 annual budget pursuant to appropriation by *I Liheslaturan Guahan*, which
8 shall be disbursed to the Office in twelve (12) equal monthly installments.
9 The budget of the elected Attorney General is *not* subject to the allotment
10 process or the control of the Bureau of Budget and Management Research, nor
11 shall *I Maga’lahen Guahan* impound or transfer funds appropriated to the
12 elected Attorney General. On a month where more than two (2) pay periods
13 shall occur, the Department of Administration shall release such funds
14 required for the purpose of meeting the operational needs of the elected
15 Attorney General for that month, provided a sufficient balance of the
16 appropriation remains.

17 **Secton 8. Election of the first elected Attorney General of Guam.**
18 Notwithstanding any other provision of law, the election of the first elected
19 Attorney General of Guam shall occur at the next General Election during
20 which *I Maga’lahen Guahan* is elected. The first elected Attorney General shall
21 be sworn into and take office on the first Monday of the January following the
22 General Election at which the Attorney General was elected and shall remain
23 in office until the election and swearing in of a new Attorney General, unless
24 removed from office as provided for in Section 1 of this Act.

1 **Section 9. Interim Office of the Public Prosecutor.** (a) Upon the swearing in
2 of the Public Prosecutor as provided in Section 10 of this Act, there shall be
3 created within the Executive Branch of the government of Guam an Office of
4 the Public Prosecutor, which shall have legal jurisdiction over all criminal
5 prosecution on behalf of the people of Guam, until the first elected Attorney
6 General is sworn in. Such authority as resides prior to the enactment of this
7 Section with the Attorney General of Guam and his or her deputies, as well as
8 the Department of Law, to oversee, manage and otherwise effect criminal
9 prosecution on behalf of the people of Guam in any Court of Guam, the
10 District Court or any appeals arising therefrom, is hereby transferred to the
11 Office of Public Prosecutor and to the Public Prosecutor created herein. All
12 powers and authority enjoyed by the Attorney General which is necessary in
13 the performance of the duties assigned to the Public Prosecutor are hereby
14 given to the Public Prosecutor. All references in Guam law or regulation with
15 respect to criminal prosecution that contain the terms 'Attorney General' or
16 'Department of Law' shall hereby be read and interpreted as referring to the
17 'Public Prosecutor' or 'Office of the Public Prosecutor,' respectively.

18 (b) The Office of the Public Prosecutor and the powers, responsibilities and
19 authority given to the office with respect to criminal prosecution on Guam
20 shall take effect with the swearing in of the Public Prosecutor and stay in
21 effect until the swearing in of the first elected Attorney General of Guam.

22 (c) This section shall be interpreted not as abolishing the office of the
23 Attorney General, but as removing from the Attorney General all
24 responsibilities vested in the Attorney General prior to the enactment of this

1 section relative to the prosecution, on behalf of the people of Guam, of
2 criminal offenses on Guam and the empowerment of the Public Prosecutor
3 established by this section with such powers enjoyed by the Attorney General
4 needed to accomplish the purposes of this section, until the swearing in of the
5 first elected Attorney General of Guam.

6 (d) The Office of the Public Prosecutor shall be administered by the Public
7 Prosecutor of Guam ('Public Prosecutor'), who shall be elected by the people
8 of Guam as provided in Section 10 of this Act.

9 (e) The Public Prosecutor may be removed in the same manner as provided
10 under the Organic Act of Guam for the removal of *I Maga'lahren Guahan*.
11 Should a vacancy occur in the position of Public Prosecutor within six (6)
12 months of the General Election in which the first elected Attorney General is
13 to be elected, *I Maga'lahren Guahan* shall appoint a person who meets the
14 qualifications for Public Prosecutor established in this section, such
15 appointment being subject to the advice and consent of *I Liheslaturan Guahan*,
16 and such appointee to serve the balance of the term only. If a vacancy occurs
17 more than six (6) months from the General in which the first elected Attorney
18 General is to be elected, the Guam Election Commission shall conduct a
19 Special Election to fill the vacancy for the balance of the term and shall
20 request such funding from *I Liheslaturan Guahan* as is required for this
21 purpose.

22 (f) Subject to the availability of funds, the Public Prosecutor is authorized to
23 appoint a Deputy and any number of Assistant Prosecutors, provided such
24 appointees are admitted to the practice of law on Guam and subject to the

1 same qualifications as are current for Deputy and Assistant Attorneys
2 Generals. The Deputy Prosecutor and all Assistant Prosecutors shall serve at
3 the pleasure of the Public Prosecutor. The Deputy and Assistant Prosecutors
4 are delegated such authority as deemed appropriate by the Public Prosecutor
5 and are under the full supervision and control of the Public Prosecutor.

6 (g) The Public Prosecutor shall be compensated in twenty-six (26) equal
7 installments an annual salary based on ninety percent (90%) of the annual
8 compensation of a judge of the Superior Court of Guam. Compensation for
9 the Deputy and Assistant Prosecutors shall be established by the Civil Service
10 Commission.

11 (h) No Public Prosecutor, nor any attorney in the employ of the Office of
12 Public Prosecutor, shall act as counsel for any person or entity accused of any
13 crime on Guam.

14 (i) Upon the election and swearing into office of the Public Prosecutor, all
15 assets assigned to the Prosecution Division of the Department of Law, as of
16 January 4, 1999, inclusive of equipment, shall be transferred to the Office of
17 the Public Prosecutor. All employees assigned to the Prosecution Division of
18 the Department of Law, as of January 4, 1999, shall be transferred to the Office
19 of the Public Prosecutor and shall receive no reduction in pay as a result of
20 such transfer. The balance of all amounts budgeted, internally or otherwise,
21 as of January 4, 1999, to the operations of the Prosecution Division of the
22 Department of Law, whether or not they have been released, shall be
23 transferred to the Office of the Public Prosecutor. Upon the election of the

1 Public Prosecutor, the Attorney General is directed to assist the Public
2 Prosecutor in guaranteeing a smooth transition.

3 (j) The Office of the Public Prosecutor shall receive an annual budget
4 pursuant to appropriation by *I Liheslaturan Guahan*, which shall be disbursed
5 to the Office in twelve (12) equal monthly installments. The budget of the
6 Public Prosecutor is *not* subject to the allotment process or the control of the
7 Bureau of Budget and Management Research, nor shall *I Maga'lahen Guahan*
8 impound or transfer funds appropriated to the Public Prosecutor. On a
9 month where more than two (2) pay periods shall occur, the Department of
10 Administration shall release such funds required for the purpose of meeting
11 the operational needs of the Public Prosecutor for that month, provided a
12 sufficient balance of the appropriation remains.

13 (k) Notwithstanding any other provision of law, the Public Prosecutor, and
14 any employee in the Office of the Public Prosecutor, may run for the office of
15 Attorney General during any election for Attorney General, but in no way
16 shall public funds, resources or assets be used for this purpose or any other
17 campaign-related purpose.

18 (l) Neither the Public Prosecutor nor any person employed in the Office of the
19 Public Prosecutor shall engage in any outside employment which shall
20 conflict with his duties within the Office of the Public Prosecutor. Any person
21 who engages in outside employment without first obtaining the written
22 approval of the Public Prosecutor may be suspended or dismissed from
23 government service.

1 (m) The Public Prosecutor shall make rules and regulations, not inconsistent
2 with law, for the conduct of the Office of the Public Prosecutor, which the
3 Public Prosecutor shall submit to *I Liheslaturan Guåhan* within 60 days of
4 being sworn into office for approval, disapproval or amendment. *I*
5 *Liheslaturan Guåhan* shall have 45 days to act on the rules and regulations or
6 they shall go into effect.

7 **Section 10. Election of Public Prosecutor.** A candidate for the position of
8 Public Prosecutor shall declare no political party affiliation. Candidates for
9 Public Prosecutor shall be subject to the same campaign and personal
10 financial reporting requirements as apply to candidates for *I Maga'lahren*
11 *Guahan*, as well as all laws pertaining to campaign contributions. No
12 nominating petition shall be required of a candidate for Public Prosecutor. A
13 candidate for the position of Public Prosecutor shall file candidacy with the
14 Guam Election Commission in the manner similar to a candidate for *I*
15 *Maga'lahren Guahan*, except as is not consistent with this section. There shall be
16 no Primary Election for the position of Public Prosecutor. The Public
17 Prosecutor shall be elected in a Special Election for the purpose on the first
18 Tuesday of November 1999. All qualified candidates complying with the
19 provisions of this Chapter shall be placed on the Special Election ballot. In the
20 Special Election, the candidate receiving the most votes, subject to the
21 qualifications established by this Chapter, shall be certified by the Guam
22 Election Commission as having won election to the position of Public
23 Prosecutor. The Public Prosecutor shall be sworn into and take 30 days
24 following the Special Election at which the Public Prosecutor was elected and

1 shall remain in office until the election and swearing in of the first Elected
2 Attorney General of Guam unless removed from office as provided for in this
3 Chapter. The Public Prosecutor shall:

4 (1) be at least thirty-five (35) years of age;

5 (2) be a citizen of the United States and a resident of
6 Guam;

7 (3) be admitted to the practice of law on Guam for at least
8 five years immediately preceding his or her candidacy for office;
9 and

10 (4) not have been convicted of a felony.

11 **Section 11. Transfer back to Attorney General.** Upon the swearing in of the
12 first elected Attorney General of Guam, all powers, responsibilities and
13 authorities given to the Office of the Public Prosecutor shall be transferred
14 back to the Office of the Attorney General and the elected Attorney General,
15 and the Office of the Public Prosecutor shall be abolished. All assets,
16 employees, and funds in or allocated to the Office of the Public Prosecutor
17 shall be transferred to the Office of the Attorney General at the time of the
18 swearing in of the first elected Attorney General.

19 **Section 12. Effective Dates.** Sections 8 and 10 of this Act are effective
20 immediately upon its enactment. Section 9 of this Act is effective upon the
21 election and swearing into office of the Public Prosecutor. All other Sections
22 are effective upon the election and swearing into office of the first elected
23 Attorney General.

1 **Section 13. Severability.** If any provision of this Law or its application to any
2 person or circumstance is found to be invalid or contrary to law, such
3 invalidity shall not affect other provisions or applications of this Law which
4 can be given effect without the invalid provisions or application, and to this
5 end the provisions of this Law are severable.”