Speaker's Office <speaker@guamlegislature.org>

M&C Fwd: 19.0701 GOV to SPKR re REV LEGIS - Prutehi I Hanom Act of 2019

1 message

Speaker's Office <speaker@guamlegislature.org> Mon, Jul 1, 2019 at 12
To: Clerks Office <clerks@guamlegislature.org>
Cc: Rennae Meno <rennae@guamlegislature.org>
Bcc: Tina Muna Barnes <tinamunabarnes@gmail.com>

07-01-19	11:59 AM	07-01-19	Call to Session-Prutehi I Hanom Act of 2019.*	Office of the Governor of Guam	35GL-19-06

Sinsenru yan Minagåhet,

Office of the Speaker • Tina Rose Muña Barnes
Committee on Public Accountability, Human Resources & the Guam Buildup

35th Guam Legislature
I Mina'trentai Singko na Liheslaturan Guåhan

Guam Congress Building | 163 Chalan Santo Papa | Hagatna, GU 96910
T: (671) 477-2520/1
speaker@guamlegislature.org

35GL-19-0687
Speaker Tina Rose Muña Barnes
JUL 01 2019
Time 11:59 AM ( )PM
Received By Matt

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Gumai pribilehu yan konfedensia este siha na mensåhi. Solo espesiåtmente para hågu ma entensioña pat ma aturisa para unrisibi. Sen prubidu kumu ti un ma aturisa para manribisa, na'setbe, pat mandespåtcha. Yanggen lachi rinisibu-mu nu este na mensåhi , pu ago' guatu gi I numa'huyong gi as speaker@guamlegislature.org yan despues destrosa todu siha I kopian mensåhi. Si Yu'os ma'åse'.

---------- Forwarded message ---------
From: **Audre Hattori** <audre.hattori@guam.gov>
Date: Mon, Jul 1, 2019 at 11:59 AM
Subject: 19.0701 GOV to SPKR re REV LEGIS - Prutehi I Hanom Act of 2019
To: Speaker Tina Muna Barnes <speaker@guamlegislature.org>
Cc: Governor of Guam <governor@guam.gov>, Lt. Governor <joshua.tenorio@guam.gov>, AG Leevin Camacho <law@guamag.org>, Audre K Hattori (Legal) <audre.hattori@guam.gov>

2019 JUL -1 PM 12:01

Hafa Adai, Speaker Muna Barnes:

Please see attached letter from the Governor of Guam re revised draft bill and request for special session.

Thank you.

Senseramente,

AUDRE K. HATTORI

Administrative Services Officer

to the Legal Counsel

Office of the Governor

RJB Governor's Complex

Adelup, Guam

Legal Office: (671) 475-9476 or 9475

Facsimile: (671)475-9480

Email: audre.hattori@guam.gov

19.0701 GOV to SPKR re REV LEGIS - Prutehi I Hanom Act 2019.pdf
102K

0687

UFISINAN I MAGA'HÅGA
OFFICE OF THE GOVERNOR

LOURDES A. LEON GUERRERO
MAGA'HÅGA • GOVERNOR

JOSHUA F. TENORIO
SIGUNDO MAGA'LÅHI • LIEUTENANT GOVERNOR

HAND-DELIVERED/EMAIL: *speaker@guamlegislature.org*

July 1, 2019

HONORABLE TINA MUÑA BARNES
Speaker
I Mina'trentai Singko Na Liheslaturan Guåhan
Guam Congress Building
Hagåtña, Guam 96910

Re: ***"Prutehi I Hanom Act Of 2019 – An Act To Protect The Waters Of Guam By Authorizing The Acquisition Of Specialized Legal Services, On A Contingency Fee Basis, To Assist In Actions To Ensure Clean And Safe Water On Guam."***

Dear Madame Speaker:

In my June 27, 2019 letter to you, I outlined my concerns with the PFAS chemicals in our water. I insisted that the time to act is now and that we must move with urgency to address the issue of responsibility. After discussions with Senator Therese Terlaje and Attorney General Leevin Camacho, I am convinced that our window of opportunity to assert our position in any multi-district litigation is even smaller than I had initially believed.

I have revised my bill, entitled, *"Prutehi I Hanom Act of 2019 – An Act to Protect the Waters of the Guam by Authorizing the Acquisition of Specialized Legal Services, on a Contingency Fee Basis, to Assist in Actions to Ensure Clean and Safe Water on Guam,"* to incorporate the context provided by both the Senator and the Attorney General. The revised bill is transmitted herewith for I Liheslaturan Guahan's consideration. The revisions strengthen the bill to place special focus on the issue of responsibility and define the scope of the assistance that may be sought by the Office of the Attorney General in addressing the same.

Pursuant to my authority under Section 1423h of the Organic Act of Guam, I am calling *I Liheslaturan Guahan* into special session on **Monday, July 1, 2019 at 2:00 p.m.**, for the sole purpose of considering this bill. I am further requesting that you exercise your authority

pursuant to 2 G.C.A. § 2103(a) and make a determination that emergency conditions exist to justify waiver of the public hearing requirement.

Senseremente,

LOURDES A. LEON GUERRERO
Maga'hågan Guåhan
Governor of Guam

Enclosure: Proposed Bill – *Prutehi I Hanom Act Of 2019 – An Act To Protect The Waters Of Guam By Authorizing The Acquisition Of Specialized Legal Services, On A Contingency Fee Basis, To Assist In Actions Concerning PFAS Contamination On Guam.*

cc: Lt. Governor of Guam (via email)
Attorney General of Guam (via email)

I MINA'TRENTAI SINGKO NA LIHESLATURAN GUÅHAN
2019 (FIRST) Regular Session

Bill No. 35 (COR)

Introduced by:

At the request of *I Maga'hagan Guahan*, the Governor of Guam, in accordance to the Organic Act of Guam

PRUTEHI I HANOM ACT OF 2019 – AN ACT TO PROTECT THE WATERS OF GUAM BY AUTHORIZING THE ACQUISITION OF SPECIALIZED LEGAL SERVICES, ON A CONTINGENCY FEE BASIS, TO ASSIST IN ACTIONS CONCERNING PFAS CONTAMINATION ON GUAM.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Title. This Act shall be known as the Prutehi I Hanom Act of 2019.

Section 2. Definitions. As used in this Act:

(a) *Contingency fee* means a sum of money that a lawyer receives as a fee only if the case resolves in favor of the Government of Guam.

(b) *PFAS* means a class of chemicals known as per- and polyfluoroalkyl substances.

(c) *Legal services* means services to include those from private legal counsel, expert witnesses, and private consultants.

Section 3. Authority.

Notwithstanding local procurement law, the Office of the Attorney General is authorized to acquire legal services for the pursuit of legal remedies for damage(s)

to Guam's waters and/or wastewaters due to PFAS contamination. Such an agreement for legal services shall provide:

(1) that the parties agree to seek monetary and non-monetary relief, such as remedial relief, in favor of the Government of Guam; and

(2) that contingency fees for monetary relief shall not exceed Thirty Percent (30%) of the final monetary award obtained and that contingency fees for non-monetary relief shall be calculated at a reasonable rate and reasonable hours, as determined by the trial court.

Immediately upon execution of an agreement for legal services pursuant to this Act, the Attorney General of Guam shall submit such agreement to the Legislature.

Section 4. Retention. As soon as practicably possible, the Attorney General shall digitize and transmit a copy of the portions of the case file, of which disclosure is not specifically prohibited by law, to the Micronesia Area Research Center for archiving on behalf of the government of Guam. At the conclusion of this matter, the Attorney General shall submit to the Governor and the Speaker a complete written statement that describes the outcome of the matter, states the amount of any recovery, shows the computation of the amount of the contingent fee, and contains the final complete time and expense records where applicable.

Section 5. Severability. If any provision of this Act or its application to any person or circumstance is held invalid, the invalidity *shall not* affect other provisions or applications of this Act that can be given effect without the invalid provision or application and to this end the provisions of this Act are severable.