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

35-GL-19-0712
Speaker Tina Rose Muña Barnes

July 3, 2019

JUL 03 2019
Time 7:11pm ( )AM ( )PM
Received By:

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

Re: **Bill 1 (2-S)** – ***"Prutehi I Hanom – 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."***

2019 JUL -3 PM 7:59

Dear Madame Speaker:

I am relieved with the outcome of my bill. While the process towards passage of this bill was much more complicated than I believe was necessary, I am nonetheless pleased to sign Bill 1 (2-S) into law as **Public Law 35-25**.

Thank you, Speaker Muna Barnes, for your attention and efforts to bring this issue into special session multiple times. I also thank the Attorney General for his work in advocating for the people of Guam. Although he now has four fewer days than what I had hoped to provide him, I trust that the Attorney General will work quickly and diligently to ensure that our claims are preserved.

Finally, I must recognize the responsible and proactive efforts of both the Guam Waterworks Authority and Guam Environmental Protection Agency. Even without my call, these entities have recognized their obligations to this island and done more than required.

Senseremente,

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

Enclosure: Bill 1-2S nka Public Law 35-25

cc: Lt. Governor of Guam (via email)

0712

I MINA'TRENTAI SINGKO NA LIHESLATURAN GUÅHAN
Thirty-Fifth Guam Legislature

July 3, 2019

The Honorable Lourdes A. Leon Guerrero
I Maga'hågan Guåhan
Ufisinan I Maga'håga
Hagåtña, Guam 96910

Dear *Maga'håga* Leon Guerrero:

Transmitted herewith is **Bill No. 1 (2-S)**, which was passed by *I Mina'trentai Singko Na Liheslaturan Guåhan* on July 3, 2019.

Sincerely,

AMANDA L. SHELTON
Legislative Secretary

Enclosure (1)

I MINA'TRENTAI SINGKO NA LIHESLATURAN GUÅHAN
2019 (SECOND) Special Session

CERTIFICATION OF PASSAGE OF AN ACT TO *I MAGA'HÅGAN GUÅHAN*

This is to certify that **Bill No. 1 (2-S), "PRUTEHI I HANOM – 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,"** was on the 3rd day of July 2019, duly and regularly passed.

Tina Rose Muña Barnes
Speaker

Attested:

Amanda L. Shelton
Legislative Secretary

This Act was received by *I Maga'hågan Guåhan* this 3rd day of July, 2019, at 5:54 o'clock P.M.

Assistant Staff Officer
Maga'håga's Office

APPROVED:

Lourdes A. Leon Guerrero
I Maga'hågan Guåhan

Date: 7/3/2019

Public Law No. ~~32~~ 35-25

I MINA'TRENTAI SINGKO NA LIHESLATURAN GUÅHAN
2019 (SECOND) Special Session

Bill No. 1 (2-S)

Introduced by: Committee on Rules
At the request of *I Maga'hågan Guåhan*, the Governor of Guam, in accordance with the Organic Act of Guam

PRUTEHI I HANOM – 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.

2019 JUL -3 AM 9:51

BE IT ENACTED BY THE PEOPLE OF GUAM:

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

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. 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. Shortly thereafter, the Attorney General shall also 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.

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.