

I Mina'trentai Siette Na Liheslaturan Guåhan
BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	FISCAL NOTES	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	NOTES
249-37 (COR) As amended; further amended by the Committee on Environment, Revenue and Taxation, Labor, Procurement, and Statistics, Research, and Planning; and further amended on the Floor	Sabina Flores Perez Therese M. Terlaje Chris Barnett	AN ACT TO ADD A NEW § 1203.1 TO CHAPTER 1, TITLE 5 AND A NEW § 45112 TO ARTICLE 1 CHAPTER 45, TITLE 10 GUAM CODE ANNOTATED RELATIVE TO ALLOWING THE BUREAU OF STATISTICS AND PLANS GUAM COASTAL MANAGEMENT PROGRAM AND THE GUAM ENVIRONMENTAL PROTECTION AGENCY TO HIRE ENVIRONMENTAL LAW ATTORNEYS FOR THEIR EXCLUSIVE USE.	2/19/24 8:00 a.m.	2/20/24	Committee on Environment, Revenue and Taxation, Labor, Procurement, and Statistics, Research, and Planning	Request: 2/20/24 3/1/24	3/7/24 9:00 a.m.	4/9/24 10:46 a.m.	As amended by the Committee on Environment, Revenue and Taxation, Labor, Procurement, and Statistics, Research, and Planning 5/15/24 3:23 p.m. As amended by the Committee on Environment, Revenue and Taxation, Labor, Procurement, and Statistics, Research, and Planning; and further amended by the Committee
	SESSION DATE	TITLE	DATE PASSED	TRANSMITTED	DUE DATE	PUBLIC LAW NO.	DATE SIGNED	NOTES	
	9/23/24	AN ACT TO ADD A NEW § 1203.1 TO ARTICLE 2 OF CHAPTER 1, TITLE 5, GUAM CODE ANNOTATED; AND A NEW § 45112 TO ARTICLE 1 OF CHAPTER 45, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO ALLOWING THE BUREAU OF STATISTICS AND PLANS GUAM COASTAL MANAGEMENT PROGRAM AND THE GUAM ENVIRONMENTAL PROTECTION AGENCY TO HIRE ENVIRONMENTAL LAW ATTORNEYS FOR THEIR EXCLUSIVE USE.	10/7/24	10/8/24	10/19/24	37-130	10/18/24	Received: 10/18/24 Messages and Communications Doc. No. 37GL-24-2867	

LOURDES A. LEON GUERRERO
GOVERNOR



JOSHUA F. TENORIO
LT. GOVERNOR

UFISINAN I MAGA'HÅGAN GUÅHAN
OFFICE OF THE GOVERNOR OF GUAM

Transmitted via Email to: speaker@guamlegislature.org

October 18, 2024

THE HON. THERESE M. TERLAJE, *Speaker*
I Mina'trentai Siette Na Liheslaturan Guåhan
37th Guam Legislature
Guam Congress Building
163 Chalan Santo Papa
Hagåtña, Guam 96910

37GL-24-2867
OFFICE OF THE SPEAKER
THERESE M. TERLAJE

OCT 18 2024

Time: 6:04 PM
Received: [Signature]

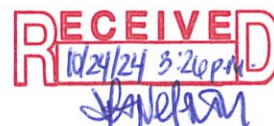
Re: Bill No. 249-37 (COR), "AN ACT TO ADD A NEW § 1203.1 TO ARTICLE 2 OF CHAPTER 1, TITLE 5, GUAM CODE ANNOTATED; AND A NEW § 45112 TO ARTICLE 1 OF CHAPTER 45, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO ALLOWING THE BUREAU OF STATISTICS AND PLANS GUAM COASTAL MANAGEMENT PROGRAM AND THE GUAM ENVIRONMENTAL PROTECTION AGENCY TO HIRE ENVIRONMENTAL LAW ATTORNEYS FOR THEIR EXCLUSIVE USE."

Håfa Adai Madam Speaker,

In Section 1 of Bill No. 249-37 (COR), the Legislature rightly observes that the Guam Environmental Protection Agency (GEPA) and the Bureau of Statistics and Plans (BSP) stand on the frontlines of safeguarding our natural resources through the implementation and enforcement of regulatory statutes. Due to the complexity of applicable laws and regulations, ever-shifting federal standards, and developing case law, environmental law has become an increasingly challenging specialty to pursue and, consequently, to recruit for.

As the Legislature further noted during the session on this bill, the shortage of public attorneys in Guam has rendered it difficult for the Office of the Attorney General to dedicate resources to GEPA and BSP. While these agencies would, of course, benefit from dedicated counsel to assist in the general administration and processing of procurements and contracts, the needs of the agency would be best fulfilled by attorneys with specialized knowledge in environmental law, policy development, and rulemaking.

I understand that an earlier version of Bill No. 249-37 would have authorized these agencies to hire in-house counsel, who might initially have the capacity to perform general services but would have, over time, acquired knowledge and training to contribute more substantially to the fulfillment of the agencies' mandate. Disappointingly, the version of the bill the Legislature passed only authorizes these agencies to hire contract lawyers. For this fiscal year, Bill No. 249-37 merely duplicates the efforts of Guam Public Law No. 37-125, the Budget Act, which provides in Chapter XII, Section 20, that agencies without classified attorneys on staff may contract to obtain such services.



To: The Hon. Therese M. Terlaje, Speaker
Fr: The Hon. Lourdes A. Leon Guerrero, Governor of Guam
Date: October 14, 2024
Re: No. 249-37 (COR)

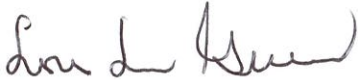
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Authorizing our environmental agencies to merely procure legal services from outside lawyers and law firms does not adequately resolve the challenges these agencies face in developing institutional knowledge of environmental processes and standards. Importantly, the lack of private law firms on Guam that specialize in environmental law will also make it difficult for the agencies to develop and train attorneys to provide optimal service to the agencies.

While Bill No. 249-37 will codify the authorization of legal services contracts for these agencies, which justifies its enactment, I would encourage the Legislature to revisit this issue in the near future. If we are serious about ensuring that these agencies have the capacity to protect our natural environment and resources, then we must get serious about giving them the tools they need to do so.

Noting these concerns, I sign Bill No. 249-37 (COR) into law as ***Public Law 37-130***.

Senseramente,



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

Enclosure(s): Bill No. 249-37 (COR) nka P.L. 37-130
cc via email: *Honorable* Joshua F. Tenorio, *Sigundo Maga'låhen Guåhan*, Lt. Governor of Guam
Compiler of Laws

I MINA'TRENTAI SIETTE NA LIHESLATURAN GUÅHAN
2024 (SECOND) Regular Session

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


This is to certify that **Bill No. 249-37 (COR)**, “AN ACT TO ADD A NEW § 1203.1 TO ARTICLE 2 OF CHAPTER 1, TITLE 5, GUAM CODE ANNOTATED; AND A NEW § 45112 TO ARTICLE 1 OF CHAPTER 45, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO ALLOWING THE BUREAU OF STATISTICS AND PLANS GUAM COASTAL MANAGEMENT PROGRAM AND THE GUAM ENVIRONMENTAL PROTECTION AGENCY TO HIRE ENVIRONMENTAL LAW ATTORNEYS FOR THEIR EXCLUSIVE USE,” was on the 7th day of October 2024, duly and regularly passed.


Therese M. Terlaje
Speaker


Attested:


Amanda L. Shelton
Legislative Secretary

This Act was received by *I Maga'hågan Guåhan* this 8th day of October, 2024, at 9:00 o'clock A.M.

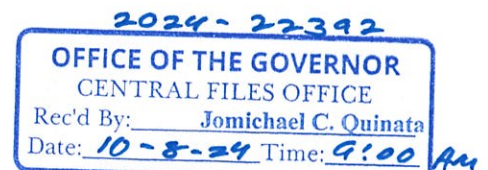

Assistant Staff Officer
Maga'håga's Office

APPROVED:


Lourdes A. Leon Guerrero
I Maga'hågan Guåhan

Date: 10/18/2024

Public Law No. 37-130



I MINA'TRENTAI SIETTE NA LIHESLATURAN GUÅHAN
2024 (SECOND) Regular Session

Bill No. 249-37 (COR)

As amended; further amended by the
Committee on Environment, Revenue and Taxation,
Labor, Procurement, and Statistics,
Research, and Planning; and further amended on the Floor.

Introduced by:

Sabina Flores Perez
Therese M. Terlaje
Chris Barnett
Frank Blas, Jr.
Joanne M. Brown
Christopher M. Dueñas
Thomas J. Fisher
Jesse A. Lujan
Tina Rose Muña Barnes
William A. Parkinson
Roy A. B. Quinata
Joe S. San Agustin
Dwayne T.D. San Nicolas
Amanda L. Shelton
Telo T. Taitague

**AN ACT TO ADD A NEW § 1203.1 TO ARTICLE 2 OF
CHAPTER 1, TITLE 5, GUAM CODE ANNOTATED; AND
A NEW § 45112 TO ARTICLE 1 OF CHAPTER 45, TITLE
10, GUAM CODE ANNOTATED, RELATIVE TO
ALLOWING THE BUREAU OF STATISTICS AND
PLANS GUAM COASTAL MANAGEMENT PROGRAM
AND THE GUAM ENVIRONMENTAL PROTECTION
AGENCY TO HIRE ENVIRONMENTAL LAW
ATTORNEYS FOR THEIR EXCLUSIVE USE.**

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

1 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
2 that both the Guam Environmental Protection Agency (GEPA) and the Guam Coastal
3 Management Program (GCMP) of the Bureau of Statistics and Plans (BSP) are
4 predominantly federally-funded entities that are permitted to utilize federal funds to
5 hire full-time attorneys to address legal issues pertaining to environmental law.

6 *I Liheslatura* further finds that in general, Guam is experiencing a shortage of
7 lawyers in public service, which hinders the Office of the Attorney General’s (OAG)
8 ability to assign legal counsel focused on addressing the specific and oftentimes
9 complex needs of individual government agencies. There are instances where
10 appointed Assistant Attorneys General may be reassigned from one agency to
11 another, creating a costly and inefficient dynamic of unresolved matters requiring an
12 agency to retain substitute legal counsel.

13 *I Liheslatura* further finds that authorizing certain government agencies to
14 hire in-house legal counsel, on a full-time basis, serves the public interest on two (2)
15 fronts: cost-effectiveness and efficiency. Firstly, hiring in-house legal counsel on a
16 full-time basis cost less than contracting private legal firms to address an agency’s
17 legal matters on a case-by-case basis. Secondly, in-house counsel provides
18 consistency in an agency’s day-to-day operations and a specialized, legal
19 understanding and awareness of the policies that govern it and the policies it
20 enforces.

21 *I Liheslatura* further finds that GEPA and the Bureau of Statistics and Plans
22 GCMP are mandated to adhere to critical and nuanced environmental protection and
23 management statutes that require its legal counsel to possess an institutional
24 understanding of the agencies’ governing policies and programs. With the rapid
25 updating of environmental policies prompted by the international call to sustain the
26 earth’s resources, GEPA and the Bureau of Statistics and Plans GCMP are faced with
27 authoritative decisions vital to our island’s way of life. As the Pacific islands inhabit

1 spaces at the frontlines of climate change, availing these agencies with consistent
2 legal expertise on a full-time basis will help ensure Guam is prepared for what
3 changes may come.

4 *I Liheslatura* further finds that environmental law attorneys:

5 (1) work on novel, cutting-edge legal issues that impact how Guam
6 EPA and the GCMP of the Bureau of Statistics and Plans carry out their
7 mission. Through their work in counseling agency program offices and
8 litigators and prosecutors at both the Office of the Attorney General of Guam
9 and the U.S. Attorney's office in litigating legal issues of first impression in
10 federal and Guam courts, attorneys have a major role in shaping federal
11 environmental law;

12 (2) are given extraordinary responsibility throughout their careers.
13 Individual attorneys are often responsible for providing legal advice on
14 environmental programs affecting public health and the environment across
15 the island; and

16 (3) are highly proficient in particular areas of general or
17 environmental law. Environmental law attorneys are generally responsible for
18 providing all types of legal support, including legal advice on not only the
19 agencies' policy development process, rulemaking, and legislation, but also
20 on contracts, grants, managing property and money, protecting Guam
21 EPA's/GCMP's intellectual property, advising on eDiscovery, records,
22 information issues, working with Guam EPA's/GCMP's employees, and
23 litigation support. As a result, environmental law attorneys have an
24 opportunity to use and perfect a wide array of lawyering skills, including brief
25 and memo writing, client relationship skills, and legislative and regulatory
26 drafting.

1 *I Liheslatura* further finds that Guam law provides two (2) mechanisms for
2 hiring and retaining environmental law attorneys based on the merit system. These
3 are hiring the attorneys as classified employees based on the merit system, the other
4 is as independent contracts through the procurement process (Requests for
5 Proposals).

6 *I Liheslatura* further finds that Public Law 28-187 amended the classified
7 employment law that allowed government of Guam agencies to hire classified
8 employees on a limited-term basis. The intent of the law was to provide these
9 employees, who were competitively hired, to avail themselves of Civil Service
10 Commission protection (grievance and adverse action appeal rights). Although it is
11 possible to hire unclassified employees competitively, they were still at-will
12 employees and could be transferred to other agencies, detailed to other jobs, or
13 terminated at any time.

14 *I Liheslatura* recognizes that § 1422c(c) of the Chapter 8, 48 U.S.C. (Organic
15 Act of Guam) requires the Legislature to create a merit system and to use it as “far
16 as practicable” for promotions and appointments.

17 Therefore, it is the intent of *I Liheslaturan Guåhan* to authorize the Guam
18 Environmental Protection Agency and the Guam Coastal Management Program of
19 the Bureau of Statistics and Plans to hire environmental law attorneys for their
20 exclusive use.

21 **Section 2.** A new § 1203.1 is *added* to Article 2 of Chapter 1, Title 5, Guam
22 Code Annotated, to read as follows:

23 **“§ 1203.1. Environmental Law Attorney for the Bureau of Statistics and
24 Plans Coastal Management Program.**

25 Notwithstanding any other provision of law, the Guam Coastal
26 Management Program of the Bureau of Statistics and Plans is authorized to
27 use its federal funds to hire an attorney for its exclusive use. The attorney shall

1 be hired pursuant to and in accordance with the Guam procurement process
2 for professional services.”

3 **Section 3.** A new § 45112 is *added* to Article 1 of Chapter 45, Title 10,
4 Guam Code Annotated, to read as follows:

5 **“§ 45112. Environmental Law Attorney for the Guam Environmental**
6 **Protection Agency.**

7 Notwithstanding any other provision of law, the Guam Environmental
8 Protection Agency is authorized to use its federal funds to hire an attorney for
9 its exclusive use. The attorney shall be hired pursuant to and in accordance
10 with the Guam procurement process for professional services.”