

I Mina'trentai Singko Na Liheslaturan Guåhan
 Bill Status

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	NOTES
1 (2-5)	<u>Committee on Rules</u> By request of <i>I Maga'hagan Guåhan</i> , 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.	7/3/19 9:51 a.m.					

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.**

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)

2019 JUL -3 AM 9:51


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

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

5 (2) that contingency fees for monetary relief shall not exceed Thirty Percent
6 (30%) of the final monetary award obtained and that contingency fees for non-
7 monetary relief shall be calculated at a reasonable rate and reasonable hours,
8 as determined by the trial court.

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

12 **Section 4. Retention.** At the conclusion of this matter, the Attorney
13 General shall submit to the Governor and the Speaker a complete written statement
14 that describes the outcome of the matter, states the amount of any recovery, shows
15 the computation of the amount of the contingent fee, and contains the final complete
16 time and expense records where applicable. Shortly thereafter, the Attorney General
17 shall also digitize and transmit a copy of the portions of the case file, of which
18 disclosure is not specifically prohibited by law, to the Micronesia Area Research
19 Center for archiving on behalf of the government of Guam.

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