

MINA' TRENTA NA LIHESLATURAN GUAHAN
THIRTIETH GUAM LEGISLATURE
2009 (FIRST) Regular

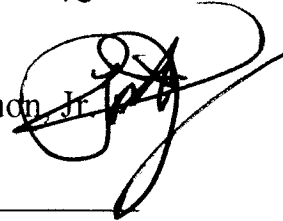
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UAM

Bill No. 732 -30 (COR)

Introduced by:

Frank B. Agudon, Jr.



AN ACT TO AUTHORIZE THE DEPARTMENT OF MENTAL HEALTH AND SUBSTANCE ABUSE TO RECRUIT AND RETAIN AN ATTORNEY-AT-LAW THAT WILL PROVIDE LEGAL ADVICE AND GUIDANCE REGARDING DEPARTMENTAL SERVICES, TO INCLUDE ON-GOING COMPLIANCE WITH THE U.S. DISTRICT COURT OF GUAM *PERMANENT INJUNCTION*.

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

2 **Section 1. Legislative Finding.** I Liheslaturan Guahan recognizes that the
3 Department of Mental Health and Substance Abuse provides critical mental and
4 health services to individuals in the community who require such services. I
5 Liheslaturan Guahan further recognizes that the Department has been under a
6 permanent court injunction for approximately five years, as imposed by the U.S.
7 District Court of Guam, which places a tremendous challenge on the Department to
8 provide necessary and timely services to its clients. The Department is in need of a
9 full-time legal counsel to assist in the general compliance of the injunction
10 requirements, and to further advise in other areas dealing with the provision of its
11 client services.

1 I Liheslaturan Guahan also finds it appropriate that in the initial
2 implementation of in-house legal services, the necessary funding required shall
3 originate from the Department's budgetary allocation for the Fiscal Year 2010.

4 **Section 2. Legislative Intent.** It is the intent of I Liheslatura Guahan to
5 authorize the Department to directly acquire an in-house attorney who would
6 provide general legal advice and guidance, as well as specific guidance and/or
7 legal representation in addressing the on-going court injunction requirements. The
8 recruitment and retention of the attorney would be funded through the
9 Department's existing budgetary allocation.

10 **Section 3.** A new §86105.1 is added to Chapter 86, Title 10, Guam Code
11 Annotated, to read:

12 **“§86105.1 Authorization for Legal Counsel.** The Department is
13 authorized to acquire and retain, on a full-time-equivalent basis, an in-house legal
14 counsel for the purpose of generally providing legal advice, representation and
15 guidance on matters pertaining to the provision of the Department's services,
16 and/or legal matters pertaining to or affecting the Department. The Department's
17 legal counsel shall also serve as the legal counsel for the Council on Mental Health
18 and Substance Abuse.

19 (a) The hiring of the legal counsel shall be conducted by the Director,
20 who shall take all necessary actions relative to the recruitment,
21 review, approval/disapproval, hiring and/or discharge of the legal
22 counsel.

23 (b) The position of legal counsel shall be an unclassified full-time-
24 equivalent position subject to the authority of the Director.

1 (c) Nothing in this §86105.1 shall preclude or prevent the Director
2 from acquiring the legal services of the Office of the Attorney
3 General , as provided pursuant to §30102 of Chapter 30, Division
4 3, Title 5, Guam Code Annotated.”

5 **Section 4. Funding Authorization from Current FY-2010 Department**
6 **Appropriation.** For the purposes of funding the implementation of this Act, the
7 Department shall be authorized to utilize funds appropriated pursuant to the
8 Department’s Fiscal Year 2010 budget.