

*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
<b>249-37 (COR)</b> 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
	<b>SESSION DATE</b>	<b>TITLE</b>	<b>DATE PASSED</b>	<b>TRANSMITTED</b>	<b>DUE DATE</b>	<b>NOTES</b>			
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					



**COPY**

*I MINA'TRENTAI SIETTE NA LIHESLATURAN GUÅHAN*  
Thirty-Seventh Guam Legislature

October 8, 2024

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

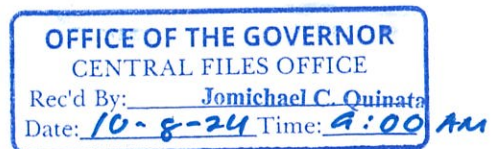
Dear *Maga'håga* Leon Guerrero:

Transmitted herewith are **Bill Nos. 174-37 (COR), 193-37 (LS), 247-37 (COR), 249-37 (COR), 293-37 (COR), 328-37 (COR), 338-37 (COR), and Substitute Bill Nos. 124-37 (COR), 286-37 (LS), 327-37 (COR), and 334-37 (COR)** which were passed by *I Mina'trentai Siette Na Liheslaturan Guåhan* on October 7, 2024. (LS)

Sincerely,

AMANDA L. SHELTON  
Legislative Secretary

Enclosure (11)



*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 7<sup>th</sup> day of October 2024, duly and regularly passed.

  
Therese M. Terlaje  
Speaker

Attested:

  
Amanda L. Shelton  
Legislative Secretary

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This Act was received by *I Maga'hågan Guåhan* this 8<sup>th</sup> 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: \_\_\_\_\_

Public Law No. \_\_\_\_\_

*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.”