

I Mina'trentai Siette Na Lihelaturan Guåhan
SPECIAL SESSION BILL STATUS

2 (7-S)	Committee on Rules by request of <i>I Maga hågan Guåhan</i> , the Governor of Guam, in accordance with the Organic Act of Guam.	AN ACT TO AUTHORIZE AGENCIES TO ACQUIRE LEGAL SERVICES DURING PENDENCY OF COURT ACTIONS INVOLVING ATTORNEY GENERAL OF GUAM'S POTENTIAL CONFLICTS OF INTEREST	3/12/24 8:54 a.m.							

I MINA'TRENTAI SIETTE NA LIHESLATURAN GUÅHAN
2024 (SEVENTH) Special Session

Bill No. 2 (7-S)

Introduced by:

Committee on Rules *DUS*
By request of *I Maga'hågan*
Guåhan, the Governor of
Guam, in accordance with
the Organic Act of Guam

**AN ACT TO AUTHORIZE AGENCIES TO ACQUIRE LEGAL
SERVICES DURING PENDENCY OF COURT ACTIONS
INVOLVING ATTORNEY GENERAL OF GUAM'S
POTENTIAL CONFLICTS OF INTEREST**

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

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3 **Section 1.** Notwithstanding § 22601 of Article 6, Chapter 22, Division 2, Title 5, of
4 Guam Code Annotated, if the Office of the Attorney General withdraws from
5 representation of an agency or otherwise declines to provide legal services to the
6 agency, the agency shall be authorized to submit the contract for the Governor's
7 signature if the contract is approved by an attorney employed with or contracted by
8 the agency to provide legal services. All such contracts shall be executed upon the
9 approval of the Governor, except as otherwise provided by law.

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11 **Section 2.** Notwithstanding § 5118 of Subarticle B, Article 2, Chapter 5, Division
12 1, Title 5, of Guam Code Annotated, if the Office of the Attorney General withdraws
13 from representation of the General Services Agency or otherwise declines to provide
14 legal services to the General Services Agency, the Procurement Counsel shall

1 represent the General Services Agency in such civil matters upon written notice to
2 the Attorney General. The Department of Administration may further employ such
3 Assistants to the Procurement Counsel to assist the Procurement Counsel in the
4 performance of his or her duties. The Director of Administration shall set the terms
5 and conditions of employment for the Assistant Procurement attorneys and
6 determine their compensation consistent with the laws of Guam. The attorneys shall
7 be full-time employees, and shall be admitted to practice before the courts of Guam
8 under the same conditions as the Procurement Counsel.

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10 **Section 3.** Notwithstanding § 5121 of Subarticle C, Article 2, Chapter 5, Division
11 1, Title 5, of Guam Code Annotated, if the Office of the Attorney General withdraws
12 from representation of an agency, or otherwise declines to provide legal services to
13 the agency, the agency shall be authorized to employ or contract with an attorney to
14 provide legal services to the agency. Alternatively, the agency may enter into an
15 agreement with another governmental body for the provision of legal services. The
16 governmental body may further execute contracts for legal services without the
17 approval of the Attorney General.

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19 **Section 4.** Notwithstanding § 5150 of Chapter 5, Subarticle F, Article 2, Title 5,
20 Guam Code Annotated, the duties assigned to the Attorney General under § 5150,
21 including but not limited to the requirement that the Attorney General shall act as
22 legal advisor during all phases of the solicitation or procurement process while a
23 governmental body is conducting any solicitation or procurement which is estimated
24 to result in an award of Five Hundred Thousand dollars (\$500,000) or more, and the
25 requirement that the Attorney General shall approve contracts as to legality and
26 form, shall not be required where the sources of funding for the contract or
27 procurement are not the General Fund or a Special Fund of the government of Guam

1 line agencies, or if the Office of the Attorney General withdraws from representing
2 any governmental body or otherwise declines to provide legal services to the
3 governmental body while the governmental body is conducting any solicitation or
4 procurement. The duties assigned to the Attorney General under Section 5150 shall
5 instead be performed by an attorney employed with or contracted by the
6 governmental body to provide legal services.

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8 **Section 5. Effective Date.** This Act shall be effective upon enactment and shall
9 expire by its own terms within one (1) year of its enactment, or upon final
10 adjudication, including all appeals, of *People vs. San Agustin, et al.*, Superior Court
11 of Guam Case No. CF446-23, and *People vs. Ybanez, et al.*, Superior Court of Guam
12 Case No. CF447-23, whichever is later.

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14 **Section 6. Severability.** If any provisions of this Act or its application to any
15 person or circumstance is found to be invalid or contrary to law, such invalidity *shall*
16 *not* affect other provisions or applications of this Act that can be given effect without
17 the invalid provision or application, and to this end the provisions of this Act are
18 severable.