




I Mina'trentai Siette Na Lihelaturan Guåhan
BILL STATUS

| BILL NO. | SPONSOR | TITLE | DATE INTRODUCED | DATE REFERRED | CMTE REFERRED | FISCAL NOTES | PUBLIC HEARING DATE | DATE COMMITTEE REPORT FILED | NOTES |
|-------------|---|--|-----------------------|---------------|---------------|--------------|---------------------|-----------------------------|-------|
| 205-37 (LS) | Frank Blas, Jr. Telo T. Taitague Jesse A. Lujan | AN ACT TO AMEND SUBSECTION (B) AND ADD NEW SUBSECTIONS (C) AND (D) TO SECTION 9109 OF CHAPTER 9, TITLE 12 OF THE GUAM CODE ANNOTATED RELATIVE TO THE HIRING AND RESPONSIBILITY OF THE GUAM VISITORS BUREAU'S ATTORNEY. | 11/28/23 3:31 p.m. | | | | | | |

I MINA'TRENTAI SIETTE NA LIHESLATURAN GUÅHAN
2023 (FIRST) Regular Session

Bill No. 205-37 (LS)

Introduced by:

Frank F. Blas Jr. 
Telo T. Taitague 
Jesse A. Lujan 

**AN ACT TO AMEND SUBSECTION (B) AND ADD NEW
SUBSECTIONS (C) AND (D) TO SECTION 9109 OF
CHAPTER 9, TITLE 12 OF THE GUAM CODE
ANNOTATED RELATIVE TO THE HIRING AND
RESPONSIBILITY OF THE GUAM VISITORS
BUREAU'S ATTORNEY.**

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan*
3 defined and codified the Guam Visitors Bureau (the Bureau) through the “*Guam*
4 *Visitors Bureau Act*,” (Public Law 17-32) and cited in Chapter 9, Title 12 of the
5 Guam Code Annotated. *I Liheslatura* reserves the right to amend or repeal any or
6 all of the provisions of the Act, which is the Bureau’s charter document in lieu of
7 articles of incorporation. The Bureau was chartered as a public nonstock-nonprofit
8 membership corporation whose purpose is stated in Section 9104 and powers in
9 Section 9105 of the Act.

10 The exercise of the powers of the Bureau is directed by a Board of Directors
11 composed of twelve (12) members selected in accordance with Section 9106 of the
12 Act and whose interests are dictated primarily by their membership constituency.
13 Furthermore, the Board appoints the Bureau’s General Manager. The General

1 Manager's province, in accordance with Section 9108, is the day-to-day operations
2 of the Bureau with the responsibility for the maintenance, operation, development,
3 and administration of the Bureau's affairs and has an express duty to enforce the
4 Board's rules and regulations, including in occasions which the Board violates its
5 own rules and regulations or neglects to take action to enforce them.

6 While Subsection 9109(b) of the Act allows the Board to employ or retain an
7 attorney, or firm of attorneys, to advise the Board and the General Manager on all
8 legal matters to which the Bureau is a party or in which the Bureau is legally
9 interested, *I Liheslatura* finds that differing interests between the Board, who
10 represent the membership constituency, and the Bureau's General Manager, who is
11 accountable to the Bureau and the money and interests of the people of Guam, may
12 place the attorney in an untenable position of having to defend interests adverse to
13 the Bureau. As such, *I Liheslatura* intends to amend the Act to make clear that the
14 Bureau attorney shall serve the interest of the Bureau and the people of Guam
15 without diluting the interest of its membership constituency.

16 **Section 2. Subsection (b) of §9109 of Chapter 9, Title 12, Guam Code**
17 **Annotated is hereby *amended* to read:**

18 (b) The ~~Board~~ Bureau may employ or retain an attorney, or firm of
19 attorneys, ~~who~~ which employed or retained attorneys shall be admitted to practice
20 before the courts of Guam, ~~who~~ The employed or retained attorney shall advise
21 and counsel the Board and the General Manager ~~on all legal matters to which the~~
22 ~~Bureau is a party or in which the Bureau is legally interested, and may~~ shall
23 represent the ~~Board~~ Bureau in connection with legal matters before the Legislature,
24 ~~other Boards~~ public officials, and other agencies of the Territory. The Attorney
25 General shall represent the Bureau in litigation in which the Bureau is interested,
26 provided that the Attorney General may deputize or designate the employed or
27 retained attorney for the Bureau as a Special Assistant Attorney General for this

1 purpose. ~~The terms, conditions and compensation of employment of any such~~
2 ~~attorney shall be determined by the Board, and the attorney shall serve at the~~
3 ~~pleasure of the Board.~~

4 **Section 3. New Subsections (c) and (d) are hereby added to §9109**
5 **Chapter 9, Title 12, Guam Code Annotated to read as follows:**

6 (c) An attorney or firm of attorneys retained by the Bureau shall be
7 selected pursuant to a procurement for professional services.

8 (d) A Director of the Board who is named in connection with a civil
9 matter, administrative matter, or matter in a special proceeding where the
10 Director's conduct was within the scope of the Director's duties may move at a
11 board meeting for a resolution directing the General Manager to obtain
12 representation for the Director by the Bureau attorney, or another attorney who
13 serves at the pleasure of the Director for the purposes of defending him in
14 litigation. If other than the Bureau attorney, the attorney who shall represent the
15 Director shall be selected pursuant to a procurement solicitation for professional
16 services.

17 **Section 4. Severability.** If any provision of this Act or its application to any
18 person or circumstance is found to be invalid or contrary to law, such invalidity
19 shall not affect other provisions or applications of this Act that can be given effect
20 without the invalid provisions or application, and to this end the provisions of this
21 Act are severable.