

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
249-37 (COR)	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.						

I MINA'TRENTAI SIETTE NA LIHESLATURAN GUÅHAN
2024 (SECOND) Regular Session

Bill No. 249-37 (COR)

Introduced by:

Sabina Flores Perez *SFP*
Therese M. Terlaje *TMT*
Chris Barnett *CB*

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 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:**

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
3 that both the Guam Environmental Protection Agency (GEPA) and the Guam Coastal
4 Management Program (GCMP) of the Bureau of Statistics and Plans (BSP) are
5 predominantly federally funded entities that are permitted to utilize federal funds to
6 hire full-time attorneys to address legal issues pertaining to environmental law.

7 *I Liheslatura* further finds that in general, Guam is experiencing a shortage of
8 lawyers in public service, which hinders the Office of the Attorney General's (OAG)
9 ability to assign legal counsel focused on addressing the specific and oftentimes
10 complex needs of individual government agencies. There are instances where
11 appointed Assistant Attorneys General may be reassigned from one agency to
12 another, creating a costly and inefficient dynamic of unresolved matters requiring an
13 agency to retain substitute legal counsel.

1 *I Liheslatura* further finds that authorizing certain government agencies to
2 hire in-house legal counsel, on a full-time basis, serves the public interest on two
3 fronts: cost-effectiveness and efficiency. Firstly, hiring in-house legal counsel on a
4 full-time basis cost less than contracting private legal firms to address an agency’s
5 legal matters on a case-by-case basis. Secondly, in-house counsel provides
6 consistency in an agency’s day to day operations and a specialized, legal
7 understanding and awareness of the policies that govern it and the policies it
8 enforces.

9 *I Liheslatura* further finds that GEPA and the GCMP are mandated to adhere
10 to critical and nuanced environmental protection and management statutes that
11 require its legal counsel possess an institutional understanding of the agencies’
12 governing policies and programs. With the rapid updating of environmental policies
13 prompted by the international call to sustain the earth’s resources, GEPA and GCMP
14 are faced with authoritative decisions vital to our island’s way of life. As Pacific
15 Islands inhabit spaces at the frontlines of climate change, availing these agencies
16 with consistent legal expertise on a full-time basis will help ensure our island is
17 prepared for what changes may come.

18 It is the intent of *I Liheslaturan Guåhan* to authorize the Guam Environmental
19 Protection Agency and the Guam Coastal Management Program of the Bureau of
20 Statistics and Plans to hire attorneys for their exclusive use.

21 **Section 2.** A new § 1203.1 is *added* to Chapter 1, Title 5, Guam Code
22 Annotated to read as follows:

23 **“§ 1203.1 Environmental Law Attorney for the Coastal Management**
24 **Program.**

25 Notwithstanding any other provision of law, the Guam Coastal Management
26 Program of the Bureau of Statistics and Plans is authorized to use its federal funds
27 to hire an attorney for its exclusive use. The attorney shall be hired as a classified

1 employee pursuant to the provisions of § 4103(g) & § 4103 (h) of Chapter 4, Title 4
2 Guam Code Annotated.”

3 **Section 3.** A new § 45112 is *added* to Chapter 45, Article 1, Title 10, Guam
4 Code Annotated to read as follows:

5 **“§ 45112 Environmental Law Attorney for the Coastal Management**
6 **Program.**

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 its
9 exclusive use. The attorney shall be hired as a classified employee pursuant to the
10 provisions of § 4103(g) & § 4103 (h) of Chapter 4, Title 4 Guam Code Annotated.”