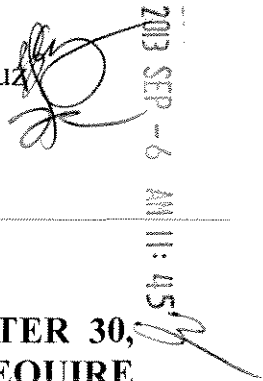


*I MINA'TRENTAI DOS NA LIHESLATURAN GUAHAN*  
2013 (First) Regular Session

Bill No. 180-32 (COR)

Introduced by:

B. J.F. Cruz  
T. C. Ada

2013 SEP - 6 AM 11:45  


**AN ACT TO *AMEND* SECTION 30102(a) OF CHAPTER 30, TITLE 5 GUAM CODE ANNOTATED, TO REQUIRE AGENCIES PERMITTED TO RETAIN COUNSEL OTHER THAN THE ATTORNEY GENERAL, TO HIRE UNCLASSIFIED, IN-HOUSE COUNSEL.**

1 BE IT ENACTED BY THE PEOPLE OF GUAM:  
2 **Section 1.** § 30102(a) of Chapter 30 Title 5, of the Guam Code Annotated is  
3 hereby amended to read:  
4 **“§ 30102. Department of Law, Cognizance.**  
5 (a) Notwithstanding any other provision of law, the Attorney General shall  
6 have cognizance of all legal matters, excluding the Legislative and Judicial  
7 Branches of the Government of Guam, involving the Executive Branch of the  
8 Government of Guam, its agencies, instrumentalities, public corporations,  
9 autonomous agencies and the Mayors Council, all hereinafter referred to as  
10 ‘agency.’ Where any other law permits any agency or autonomous public  
11 corporation to retain counsel other than the Attorney General, this shall not  
12 preclude said agency or public corporation from requesting the services of the  
13 offices of the Attorney General, provided that said agency or autonomous public

1 corporation shall reimburse the Office of the Attorney General for such services  
2 from funds of said agency or autonomous public corporation. Said reimbursement  
3 shall be deposited in the General Fund and credited to the Office of the Attorney  
4 General. In addition, and notwithstanding any other law to the contrary, any  
5 agency or autonomous public corporation of the Government of Guam may  
6 advance funds to the office of the Attorney General for services and incidental  
7 travel to be rendered by said office on behalf of said agency or autonomous public  
8 corporation. Effective sixty (60) days from the enactment of this act, any law  
9 permitting an agency or autonomous public corporation to retain counsel other than  
10 the Attorney General shall mean unclassified, in-house counsel only, compensated  
11 at a rate not to exceed \$125,000 for salary annually.

12 (b) An agency or autonomous public corporation of the Government may  
13 retain outside counsel, in addition to the unclassified, in-house counsel mandated  
14 in item (a), only when the Attorney General of Guam has certified in writing to the  
15 Speaker of *I Liheslaturan Guåhan* and *I Maga'láhen Guåhan*, that such outside  
16 counsel is essential to addressing a sole and specific legal matter before the  
17 agency, provided that neither the Office of the Attorney General nor the In-house  
18 Counsel required by item (a) will be able to address the legal matter before the  
19 agency. In issuing such certification, the Attorney General shall certify that such  
20 outside counsel has demonstrated prior experience and competency for a period not  
21 less than five (5) consecutive years in maritime law, aviation law, Healthcare law,  
22 or the issuance of bonds or other financial instruments. Nothing in this section  
23 shall be construed as to allow any agency of the Government to retain outside legal  
24 counsel on an ongoing basis or to permit the payment of any outside counsel for  
25 matters other than the sole and specific matter certified by the Attorney General.”