



FILE COPY

I MINA'TRENTAI TRES NA LIHESLATURAN GUÅHAN
THIRTY THIRD GUAM LEGISLATURE
155 Hesler Place, Hagåtña, Guam 96910

June 20, 2016

The Honorable Edward J.B. Calvo
I Maga'låhen Guåhan
Ufisinan I Maga'låhi
Hagåtña, Guam

Dear *Maga'låhi* Calvo:

Transmitted herewith are Bill Nos. 141-33 (COR), 249-33 (COR), 282-33 (COR), 293-33 (COR), 298-33 (COR), 311-33 (COR), 313-33 (COR), 314-33 (COR), 315-33 (COR), 320-33 (COR), 321-33 (COR), and 323-33 (COR); and Substitute Bill Nos. 30-33 (COR), 291-33 (COR), 296-33 (COR), 302-33 (LS), 304-33 (LS), 305-33 (LS), 306-33 (LS), 307-33 (LS), 308-33 (LS), and 309-33 (LS), which were passed by *I Mina'Trentai Tres Na Liheslaturan Guåhan* on June 17, 2016.

Sincerely,


TINA ROSE MUÑA BARNES
Legislative Secretary

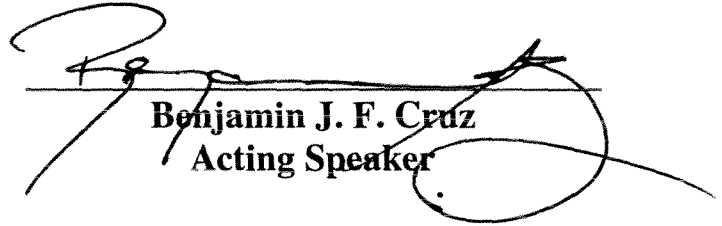
Enclosure (22)

PO² R.S. McCarroll
6/20/16
5:35 pm

I MINA'TRENTAI TRES NA LIHESLATURAN GUÅHAN
2016 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LÅHEN GUÅHAN

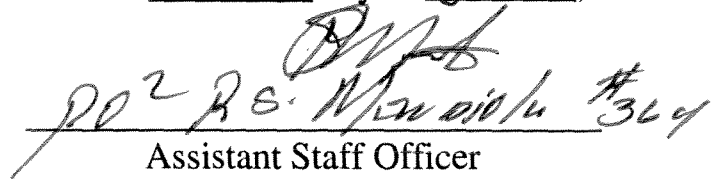
This is to certify that Substitute Bill No. 30-33 (COR), "AN ACT TO AMEND § 30102 OF ARTICLE 1 OF CHAPTER 30, TITLE 5, GUAM CODE ANNOTATED, TO REQUIRE AGENCIES PERMITTED TO RETAIN COUNSEL OTHER THAN THE ATTORNEY GENERAL, TO HIRE CLASSIFIED IN-HOUSE COUNSEL, AND TO STRENGTHEN THE ATTORNEY GENERAL OF GUAM'S COGNIZANCE OF LEGAL MATTERS BEFORE THE GOVERNMENT OF GUAM," was on the 17th day of June 2016, duly and regularly passed.


Benjamin J. F. Cruz
Acting Speaker

Attested:


Tina Rose Muña Barnes
Legislative Secretary

This Act was received by *I Maga'låhen Guåhan* this 20th day of JUNE,
2016, at 5:35 o'clock P.M.



Assistant Staff Officer
Maga'låhi's Office

APPROVED:

EDWARD J.B. CALVO
I Maga'låhen Guåhan

Date: _____

Public Law No. _____

I MINA'TRENTAI TRES NA LIHESLATURAN GUÅHAN
2015 (FIRST) Regular Session

Bill No. 30-33 (COR)

As substituted by the Committee on Appropriations and Adjudication;
and amended on the Floor.

Introduced by:

B. J.F. Cruz
T. C. Ada
V. Anthony Ada
FRANK B. AGUON, JR.
Frank F. Blas, Jr.
James V. Espaldon
Brant T. McCreadie
Tommy Morrison
T. R. Muña Barnes
R. J. Respicio
Dennis G. Rodriguez, Jr.
Michael F.Q. San Nicolas
Mary Camacho Torres
N. B. Underwood, Ph.D.
Judith T. Won Pat, Ed.D.

**AN ACT TO AMEND § 30102 OF ARTICLE 1 OF
CHAPTER 30, TITLE 5, GUAM CODE ANNOTATED, TO
REQUIRE AGENCIES PERMITTED TO RETAIN
COUNSEL OTHER THAN THE ATTORNEY GENERAL,
TO HIRE CLASSIFIED IN-HOUSE COUNSEL, AND TO
STRENGTHEN THE ATTORNEY GENERAL OF
GUAM'S COGNIZANCE OF LEGAL MATTERS
BEFORE THE GOVERNMENT OF GUAM.**

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

2 **Section 1.** § 30102 of Article 1 of Chapter 30, Title 5, Guam Code
3 Annotated, is hereby *amended* to read:

4 **“§ 30102. Department of Law, Cognizance.**

1 (a) Notwithstanding any other provision of law, the Attorney
2 General *shall* have cognizance of all legal matters, excluding the Legislative
3 and Judicial Branches of the government of Guam, involving the Executive
4 Branch of the government of Guam, its agencies, instrumentalities, public
5 corporations, autonomous agencies, and the Mayors Council, all hereinafter
6 referred to as “agency.” Where any other law permits any agency to retain
7 counsel other than the Attorney General, this *shall not* preclude said agency
8 from requesting the services of the Office of the Attorney General; *provided*,
9 that said agency *shall* reimburse the Office of the Attorney General for such
10 services from funds of said agency. Said reimbursement *shall* be deposited in
11 the Office of the Attorney General Operations Fund. In addition, and
12 notwithstanding any other law to the contrary, any agency of the government
13 of Guam may advance funds to the Office of the Attorney General for services
14 and incidental travel to be rendered by said office on behalf of said agency.
15 Any law permitting the agency to retain counsel other than the Attorney
16 General *shall* mean full time classified counsel. Any attorney holding the
17 position of full time classified counsel *shall* earn the salary prescribed by the
18 schedule established for government classified attorneys. The Attorney
19 General may appoint such classified counsel as a special assistant attorney
20 general as provided under Subsection (c) below.

21 (b) An agency of the government may retain outside counsel, in
22 addition to the classified, in-house counsel mandated in Subsection (a), *only*
23 when the department or agency has certified in writing to the Attorney General
24 of Guam, the Speaker of *I Liheslaturan Guåhan*, and *I Maga'låhen Guåhan*,
25 that such outside counsel is essential to addressing a sole and specific legal
26 matter before the agency. Upon issuance of the certification by the department

1 or agency, the Attorney General *shall* confirm that such outside counsel has
2 demonstrated prior experience and competency for a period of *not less than*
3 five (5) consecutive years in the subject matter or specialized area for which
4 the in-house counsel or Attorney General's Office is unable to provide at that
5 time. Nothing in this Section shall be construed as to apply to the Government
6 of Guam Retirement Fund, or to allow any agency of the government to retain
7 outside legal counsel on an ongoing basis, or to permit the payment of any
8 outside counsel for matters other than the *sole* and *specific* matter certified by
9 the department or agency, and confirmed by the Attorney General.

10 (c) The Attorney General may appoint as special assistant attorney
11 general the classified full time counsel, or any outside counsel contracted by
12 the agency for purposes of administrative or civil litigation in order to ensure
13 that a unified and consistent legal policy of the government of Guam is
14 maintained over the conduct of all legal proceedings in which the government
15 of Guam may be interested. The special assistant attorney general *shall* keep
16 the Attorney General informed of all litigation, filing of pleadings, and issuing
17 letters, appeals, and settlement agreements, and the Attorney General *shall*
18 have the right to stop, modify or change the direction of litigation in the best
19 interest of Guam, and to void any settlement reached in abrogation of the
20 Attorney General's approval.

21 (d) The Attorney General *shall* have legal cognizance and exclusive
22 authority over all administrative, civil, and appellate matters in which the
23 government of Guam is in any way interested. No appeal from an
24 administrative or civil case may be filed in any court having jurisdiction over
25 the case without the prior review and concurrence of the Attorney General

1 that the best interest of the government of Guam, and the people of Guam, are
2 served by the appeal.

3 (e) The Attorney General *shall* promptly post copies of all
4 administrative, civil, and appellate pleadings, letters, appeals, and settlement
5 agreements on its website accessible to the public, and *shall* promptly send a
6 copy to the Speaker of *I Liheslaturan Guåhan* and *I Maga'låhen Guåhan*.”

7 **Section 2. Effective Date.** The newly added provisions of § 30102 of
8 Article 1, Chapter 30, Title 5 GCA *shall not* be construed to impair or interfere with
9 any existing contractual rights for legal services between outside counsel and any
10 agency which has obtained the approval of the Attorney General on the date of
11 enactment herein; provided, that any provision for renewal or extension of an
12 existing contract *shall not* be renewed except pursuant to § 30102(b) as amended.